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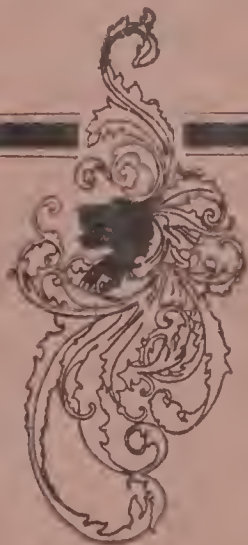
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The Election Laws

—OF THE—
STATE OF OHIO

And of the United States
of America

SO FAR AS THEY RELATE TO THE CON-
DUCT OF ELECTIONS *and the* DUTIES OF
OFFICERS IN CONNECTION THEREWITH



COMPILED BY
THE SECRETARY OF STATE
1904

... THE ...

ELECTION LAWS

OF THE

STATE OF OHIO

AND OF

THE UNITED STATES OF AMERICA

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SO FAR AS THEY RELATE TO THE CONDUCT OF
ELECTIONS AND THE DUTIES OF OFFICERS
IN CONNECTION THEREWITH.

Compiled by

THE SECRETARY OF STATE



Springfield, Ohio:
State Printers.
The Springfield Publishing Company,
1904.

LIBRARY
OF THE
STATE OF OHIO

ELECTION LAWS OF THE UNITED STATES.

CITIZENSHIP.

SECTION 1992. All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.

Who are citizens.

SEC. 1993. All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

Children of citizens born abroad.

SEC. 1994. Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.

Married women.

SEC. 1995. All persons born in the district of country formerly known as the territory of Oregon, and subject to the jurisdiction of the United States on the 18th [of] May, 1872, are citizens in the same manner as if born elsewhere in the United States.

Persons born in Oregon.

SEC. 1996. All persons who deserted the military or naval service of the United States, and did not return thereto or report themselves to a provost marshal within sixty days after the issuance of the proclamation by the President, dated the 11th day of March, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof.

Forfeiture of citizenship.

SEC. 1997. No soldier or sailor, however, who faithfully served according to his enlistment until the 19th day of April, 1865, and who, without proper authority or leave first obtained quit his command or refused to serve after that date, shall be held to be a deserter from the army or navy; but this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred, under the preceding section, by the loss of citizenship and of the right to hold office in consequence of his desertion.

Certain soldiers and sailors exempted from forfeiture.

Avoiding the draft.

SEC. 1998. Every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section nineteen hundred and ninety-six.

Right of expatriation declared.

SEC. 1999. Whereas, the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas, in the recognition of this principle this government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas, it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed; therefore, any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the republic.

Protection of naturalized citizens in foreign states.

SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this government the same protection of persons and property which is accorded to native born citizens.

THE ELECTIVE FRANCHISE.

Interference by army or naval officers.

SEC. 2003. No officer of the army or navy of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any state, or in any manner interfere with the freedom of any election in any state, or with the exercise of the free right of suffrage in any state.

Race, color, or previous condition not to affect the right to vote.

SEC. 2004. All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any state, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any state or territory, or by or under its authority, to the contrary notwithstanding.

NATURALIZATION.

Aliens, how naturalized.

SEC. 2165. An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise:

First. He shall declare on oath, before a circuit or district court of the United States, or a district or supreme court of the territories, or a court of record of any of the states having common law jurisdiction, and a seal and clerk, two years, at least, prior to his admission, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject.

Declaration of intention.

Second. He shall, at the time of his application to be admitted, declare, on oath, before some one of the courts above specified, that he will support the constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty; and, particularly, by name, to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

Oath to support the constitution of the United States.

Third. It shall be made to appear to the satisfaction of the court admitting such alien that he has resided within the United States five years at least, and within the state or territory where such court is at the time held, one year at least; and that during that time he has behaved as a man of good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same; but the oath of the applicant shall in no case be allowed to prove his residence.

Residence in United States, or states, and good moral character.

Fourth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Titles of nobility to be renounced.

Fifth. Any alien who was residing within the limits and under the jurisdiction of the United States before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts above specified, that he has resided two years, at least, within the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the state or territory where such court is at the time held; and on his declaring on oath that he will support the constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty whereof he was before a citizen or subject; and, also on its appearing to the

Persons residing in the United States before January 29, 1795.

satisfaction of the court, that during such term of two years he has behaved as a man of good moral character, attached to the constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his, moreover, making in the court an express renunciation of his title or order of nobility. All of the proceedings, required in this condition to be performed in the court, shall be recorded by the clerk thereof.

Persons residing between June 18, 1798, and June 18, 1812; declaration for naturalization, made.

Sixth. Any alien who was residing within the limits and under the jurisdiction of the United States, between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States without having made any previous declaration of his intention to become such; but whenever any person, without a certificate of such declaration of intention, makes application to be admitted a citizen, it must be proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same; and the residence of the applicant within the limits and under the jurisdiction of the United States, for at least five years immediately preceding the time of such application, must be proved by the oath of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place where the applicant has resided for at least five years, shall be stated and set forth, together with the names of such citizens, in the record of the court admitting the applicant; otherwise the same shall not entitle him to be considered and deemed a citizen of the United States. [Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the declaration of intention to become a citizen of the United States, required by section two thousand one hundred and sixty-five of the Revised Statutes of the United States, may be made by an alien before the clerk of any of the courts named in said section two thousand one hundred and sixty-five; and all such declarations heretofore made before any such clerk are hereby declared as legal and valid as if made before one of the courts named in said section.]

Aliens honorably discharged from military service.

SEC. 2166. Any alien, of the age of twenty-one years and upward, who has enlisted, or may enlist, in the armies of the United States, either the regular or the volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United

States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such a citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States.

SEC. 2167. Any alien, being under the age of twenty-one years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of section twenty-one hundred and sixty-five; but such alien shall make the declaration required therein at the time of his admission; and shall further declare, on oath, and prove to the satisfaction of the court, that, for two years next preceding, it has been his bona fide intention to become a citizen of the United States; and he shall in all other respects comply with the laws in regard to naturalization.

Minor resi-
dents.

SEC. 2168. When any alien, who has complied with the first condition specified in section twenty-one hundred and sixty-five, dies before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law.

Widow and
children of
declarants.

SEC. 2169. The provisions of this title shall apply to aliens [being free white persons, and to aliens] of African nativity and to persons of African descent.

Aliens of Af-
rican nativity
and descent.

SEC. 2170. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

Residence of
five years in.
the United
States.

SEC. 2171. No alien who is a native citizen or subject, or a denizen of any country, state, or sovereignty with which the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States, or the territories thereof, on the eighteenth day of June, in the year one thousand eight hundred and twelve, who had before that day made a declaration, according to law, of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they were alien enemies at the time and in

Alien enemies
not admitted.

the manner prescribed by the laws heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

Children of persons naturalized under certain laws to be citizens.

SEC. 2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject, by the government of the United States, may have become citizens of any one of the states, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any state, or who has been legally convicted of having joined the army of Great Britain during the Revolutionary War, shall be admitted to become a citizen without the consent of the legislature of the state in which such person was proscribed.

Naturalization of seamen.

SEC. 2174. Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant vessel of the United States anything to the contrary in any act of congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

Taking false oath in naturalization.

SEC. 5395. In all cases where any oath or affidavit is made or taken under or by virtue of any law relating to the naturalization of aliens, or in any proceedings under such laws, any person taking or making such oath or affidavit who knowingly swears falsely, shall be punished by imprisonment not more than five years, nor less than one year, and by a fine of not more than one thousand dollars.

False personation, etc., in procuring naturalization.

SEC. 5424. Every person applying to be admitted a citizen, or appearing as a witness for any such person, who knowingly personates any other person than himself, or

falsely appears in the name of a deceased person, or in an assumed or fictitious name, or falsely makes, forges, or counterfeits any oath, notice, affidavit, certificate, order, record, signature, or other instrument, paper, or proceeding required or authorized by any law relating to or providing for the naturalization of aliens; or who utters, sells, disposes of, or uses as true or genuine, or for any unlawful purpose, any false, forged, antedated, or counterfeit oath, notice, certificate, order, record, signature, instrument, paper, or proceeding above specified; or sells or disposes of to any person, other than the person for whom it was originally issued, any certificate of citizenship, or certificate showing any person to be admitted a citizen, shall be punished by imprisonment at hard labor not less than one year, nor more than five years, or by a fine of not less than three hundred nor more than one thousand dollars, or by both such fine and imprisonment.

SEC. 5425. Every person who uses, or attempts to use, or aids, or assists, or participates in the use of any certificate of citizenship, knowing the same to be forged, or counterfeit, or antedated, or knowing the same to have been procured by fraud or otherwise unlawfully obtained; or who, without lawful excuse, knowingly is possessed of any false, forged, antedated, or counterfeit certificate of citizenship, purporting to have been issued under the provisions of any law of the United States relating to naturalization, knowing such certificate to be false, forged, antedated, or counterfeit, with intent unlawfully to use the same; or obtains, accepts, or receives any certificate of citizenship known to such person to have been procured by fraud or by the use of any false name, or by means of any false statement made with intent to procure, or to aid in procuring, the issue of such certificate, or known to such person to be fraudulently altered or antedated; and every person who has been or may be admitted to be a citizen who, on oath or by affidavit, knowingly denies that he has been so admitted, with intent to evade or avoid any duty or liability imposed or required by law, shall be imprisoned at hard labor not less than one year nor more than five years, or be fined not less than three hundred dollars nor more than one thousand dollars, or both such punishments may be imposed.

Using false
certificate of
citizenship,
etc.

SEC. 5426. Every person who in any manner uses for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise, unlawfully, any order, certificate of citizenship, or certificate, judgment, or exemplification, showing any person to be admitted to be a citizen, whether heretofore or hereafter issued or made, knowing that such order or certificate, judgment, or exemplification has been unlawfully issued or made; and every person who unlawfully uses, or attempts to use, any such order or certificate, issued to or in the name of any other person, or in a fictitious name, or the name of a deceased person, shall be punished by imprisonment at hard labor not less than one year nor more

Using false
certificate,
etc., as evi-
dence of a
right to vote.

than five years, or by a fine of not less than three hundred nor more than one thousand dollars, or by both such fine and imprisonment.

Aiding or abetting violation of preceding sections.

SEC. 5427. Every person who knowingly and intentionally aids or abets any person in the commission of any felony denounced in the three preceding sections, or attempts to do any act therein made felony, or counsels, advises, or procures, or attempts to procure, the commission thereof shall be punished in the same manner and to the same extent as the principal party.

Falsely claiming citizenship.

SEC. 5428. Every person who knowingly uses any certificate of naturalization heretofore granted by any court, or hereafter granted, which has been or may be procured through fraud or by false evidence, or has been or may be issued by the clerk, or any other officer of the court without any appearance and hearing of the applicant in court and without lawful authority; and every person who falsely represents himself to be a citizen of the United States, without having been duly admitted to citizenship, for any fraudulent purpose whatever, shall be punishable by a fine of not more than one thousand dollars, or be imprisoned not more than two years, or both.

Provisions applicable to all courts of naturalization.

SEC. 5429. The provisions of the five preceding sections shall apply to all proceedings had or taken, or attempted to be had or taken, before any court in which any proceeding for naturalization may be commenced or attempted to be commenced.

CRIMES AGAINST ELECTIVE FRANCHISE.

Intimidating voters by bribery or threats.

SEC. 5507. Every person who prevents, hinders, controls, or intimidates another from exercising, or in exercising, the right of suffrage, to whom that right is guaranteed by the fifteenth amendment to the constitution of the United States, by means of bribery or threats of depriving such person of employment or occupation, or of ejecting such person from a rented house, lands, or other property, or by threats of refusing to renew leases or contracts for labor, or by threats of violence to himself or family, shall be punished as provided in the preceding section.

Conspiracy to injure or intimidate citizens in the exercise of civil rights.

SEC. 5508. If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall

be fined not more than five thousand dollars and imprisoned not more than ten years; and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the constitution or laws of the United States.

SEC. 5509. If, in the act of violating any provision in either of the two preceding sections, any other felony or misdemeanor be committed, the offender shall be punished for the same with such punishment as is attached to such felony or misdemeanor by the laws of the state in which the offense is committed.

Other crimes committed in violating preceding sections.

SEC. 5510. Every person who, under color of any law, statute, ordinance, regulation, or custom, subjects or causes to be subjected, any inhabitant of any state or territory to the deprivation of any rights, privileges, or immunities, secured or protected by the constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than one year, or by both.

Depriving citizens of civil rights under color of state laws.

SEC. 5516. Every person who wilfully obstructs, hinders or prevents any officer or other person charged with the execution of any warrant or process issued under the provisions of sections nineteen hundred and eighty-four and nineteen hundred and eighty-five, title "Civil Rights," or any person lawfully assisting him, from arresting any person for whose apprehension such warrant or process may have been issued; or rescues or attempts to rescue such person from the custody of the officer or other person lawfully assisting when so arrested, pursuant to the authority herein given; or aids, abets, or assists any person so arrested, directly or indirectly, to escape from the custody of the officer or other person legally authorized to arrest the party; or harbors or conceals any person for whose arrest a warrant or process has been issued, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall, for any of such offenses, be subject to a fine of not more than one thousand dollars, or imprisonment not more than six months, or both.

Obstructing execution of process in civil rights cases.

SEC. 5517. Every marshal and deputy marshal who refuses to receive any warrant or other process when tendered to him, issued in pursuance of the provisions of section nineteen hundred and eighty-five, title "Civil Rights," or refuses or neglects to use all proper means diligently to execute the same, shall be liable to a fine in the sum of one thousand dollars, for the benefit of the party aggrieved thereby.

Marshal refusing to receive or execute process.

Conspiracy to prevent accepting or holding office under United States, etc.

SEC. 5518. If two or more persons in any state or territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any state, district, or place where his duties as an officer are required to be performed; or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property, so as to molest, interrupt, hinder, or impede him in the discharge of his official duties; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.

Conspiracy to deprive any person of the equal protection of the laws.

SEC. 5519. If two or more persons in any state or territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any state or territory from giving or securing to all persons within such state or territory the equal protection of the laws; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.

Unlawful presence of troops at elections.

SEC. 5528. Every officer of the army or navy, or other person in the civil, military or naval service of the United States, who orders, brings, keeps, or has under his authority or control, any troops or armed men at any place where a general or special election is held in any state, unless such force be necessary to repel armed enemies of the United States, or to keep the peace at the polls, shall be fined not more than five thousand dollars, and suffer imprisonment at hard labor not less than three months nor more than five years.

Intimidation of voters by officers, etc., of army or navy.

SEC. 5529. Every officer or other person in the military or naval service, who, by force, threat, intimidation, order, advice, or otherwise, prevents, or attempts to prevent, any qualified voter of any state from freely exercising the right of suffrage at any general or special election in such state, shall be fined not more than five thousand dollars, and imprisoned at hard labor not more than five years.

Officers of army or navy prescribing qualifications of voters.

SEC. 5530. Every officer of the army or navy who prescribes or fixes, or attempts to prescribe or fix, whether by proclamation, order, or otherwise, the qualifications of voters at any election in any state, shall be punished as provided in the preceding section.

SEC. 5531. Every officer or other person in the military or naval service, who, by force, threat, intimidation, order, or otherwise compels, or attempts to compel, any officer holding an election in any state to receive a vote from a person not legally qualified to vote, or who imposes or attempts to impose, any regulations for conducting any general or special election in a state different from those prescribed by law, or who interferes in any manner with any officer of an election in the discharge of his duty, shall be punished as provided in section fifty-five hundred and twenty-nine.

Interference
of same with
officer of elec-
tion, etc.

SEC. 5532. Every person convicted of any of the offenses specified in the five preceding sections shall, in addition to the punishments therein severally prescribed, be disqualified from holding any office of honor, profit or trust under the United States; but nothing in those sections shall be construed to prevent any officer, soldier, sailor, or marine from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the state in which he offers to vote.

Disqualifica-
tion for hold-
ing office.

PROVISIONS OF THE
Constitution of the State of Ohio
RELATING TO ELECTIONS.

ARTICLE V.

ELECTIVE FRANCHISE.

SEC. 1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the state one year next preceding the election, and of the county, township, or ward, in which he resides, such time as may be provided by law, shall have the qualifications of an elector, and be entitled to vote at all elections.

Who may
vote.

SEC. 2. All elections shall be by ballot.

By ballot.

SEC. 3. Electors during their attendance at elections, and in going to, and returning therefrom, shall be privileged from arrest in all cases, except treason, felony, and breach of the peace.

Voters, when
privileged
from arrest.

SEC. 4. The general assembly shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of bribery, perjury, or other infamous crimes.

Forfeiture of
elective fran-
chise.

SEC. 5. No person in the military, naval, or marine service of the United States, shall, by being stationed in any garrison, or military, or naval station, within the state, be considered a resident of this state.

Persons not
not considered
residents of
the state.

SEC. 6. No idiot, or insane person, shall be entitled to the privileges of an elector.

Idiots or in-
sane persons.

OHIO ELECTION LAWS.

ORIGINAL SURVEYED TOWNSHIPS.

When original township may be organized and incorporated.

SEC. 1366. As soon as there are four, or more, electors in any original surveyed township of five or six miles square, or fractional township, wherein there is either the reserved section twenty-nine or sixteen, or where said section sixteen has been disposed of by congress and any other section granted in lieu thereof, whether such other section be situate within or without said original township, and in all other fractional townships which by law are entitled to a section or a part of a section for school purposes, the said electors, or any of them, may apply to the county commissioners for the organization and incorporation of such original township or fractional township. [73 v. 186, § 1.]

Application to commissioners, and their order thereon, and notice of election.

SEC. 1367. On the application of any of said electors, and it being made to appear to the satisfaction of the county commissioners, that there are at least four electors in any such original township or fractional township, the commissioners shall order an election of three trustees and one treasurer therein, and give at least fifteen days' written notice of such election, by setting up in three of the most public places in the township such notices, designating the time and place of such election, and the place shall be as near the center of such township as practicable. [29 v. 490, § 2.]

Conduct of elections in.

SEC. 1368. Elections in such original surveyed townships, shall be held at such times and conducted in such manner as the trustees of such townships may provide, the place of holding said election to be as near the center of the township as can be, and at least fifteen days' notice of such election to be given by notices posted in five or more of the public places of the original surveyed township, and the trustees of such township shall be a body corporate, with power to contract and be contracted with, sue and be sued, and to take charge of such section or sections, or parts of section or sections, and to manage the same according to the best interests thereof. [97 v. 186.]

Powers of trustees.

SEC. 1369. The trustees and treasurer shall hold their offices for three years, and a like election shall be held every third year, of which the trustees shall give fifteen days' previous notice as aforesaid. If said trustees shall at any time fail to give said fifteen days' notice, then the county auditor shall appoint from among the electors of such township three trustees and one treasurer, who shall hold their offices for the same term and perform the same duties and have the same powers as if elected as aforesaid. [97 v. 186.]

Terms of office and subsequent election.

SEC. 1371. When it comes to the knowledge of the county auditor that the electors of any such township have failed to apply to the commissioners as aforesaid, for one year after such application is authorized, or that in any such township the trustees and treasurer elected have failed to qualify or to perform the duties incumbent upon them, the auditor shall appoint from among the electors of such township three trustees and one treasurer, who shall hold their offices for the same term and perform the same duties, and have the same powers as if elected as aforesaid. And in case the term of office of such trustees and treasurer have expired, and no successors have been elected or appointed, as by this chapter provided, an election may be ordered, as provided in section thirteen hundred and sixty-seven. In case such application is made, the commissioners of the county in which said reserved section, or part thereof, is substituted, shall order an election, designating the time and place of holding the same. Said election shall be held at such times and conducted in such manner as said commissioners may provide. [97 v. 186.]

When county auditor may appoint trustees or treasurer.

When election may be held to fill vacancy.

SEC. 1418. Section sixteen, and all lands in lieu thereof, granted for school purposes, may be sold, and such sales shall be according to the regulations hereinafter prescribed. [70 v. 195, § 133.]

School lands may be sold.

SEC. 1419. In cases where there has been no vote taken for the sale of any such land, the trustees of any township to which such lands belong, shall, at least thirty days prior to the taking of such vote, cause not less than eight notices to be posted up in as many of the most public places of such township, notifying the voters resident therein to meet at some convenient place and time therein specified, and then and there cast their ballots for or against the sale of any such lands belonging to such township; and if such vote result in a refusal to sell such lands, the trustees may, in the same manner, authorize the taking of a subsequent vote as often as they deem proper; but no such subsequent vote shall be taken until one year has elapsed since the last preceding vote. [70 v. 195, § 134.]

Proceedings when vote has not been taken.

Trustees may authorize subsequent vote.

SEC. 1420. The trustees of the township shall preside at the taking of such ballots, and shall appoint two clerks, who shall keep two poll-books, containing the names of the

Trustees of township shall preside at meeting.

Poll-book shall
be deposited
with auditor.

voters and the result of the ballot, which poll-books must be signed by the trustees and clerks; and in case such ballots result in favor of a sale, the trustees shall, within ten days after such election, deposit one of said poll-books with the auditor of the county within which said lands (or the greater portion thereof) are situated, with a copy of the notice given, and the affidavit of one or more of the trustees, stating the manner of giving said notices, and the time and place of putting up the same, which notices, affidavit, and poll-book shall be by said auditor copied into a book for that purpose to be provided, and when so recorded, such record shall be proof of the facts therein stated. [70 v. 195, § 135.]

CIVIL TOWNSHIPS.

Election in
new township.

SEC. 1441. When a new township is set off, the county commissioners shall forthwith give public notice by advertisement, in three public places in such township, at least ten days before the time, of the time and place of holding an election for township officers, and the electors of such township shall at such time and place assemble, and then and there elect township officers; and the officers so elected shall hold their offices until the next annual township election, and their successors are elected and qualified. [51 v. 489, § 4.]

Township officers and justices of the peace; election and beginning of term.

SEC. 1442. Township officers and justices of the peace shall be elected on the first Tuesday after the first Monday of November, annually, in the manner provided by law. All township officers hereafter elected shall begin their respective terms on the first Monday in January, after their election, and all township officers now holding office, including assessors in municipalities who are serving as such by appointment, and those hereafter elected shall hold their offices until their successors are elected and qualified. [97 v. 62.]

Place of holding elections.

SEC. 1443. The trustees shall fix the place of holding elections within their township, or of any election precinct thereof, and they may purchase or lease for this purpose a house and suitable grounds, or by permanent lease or otherwise, a site, and erect thereon a house; and upon a vote of a majority of the electors of the township or a precinct thereof voting at any general election in favor of a tax therefor, at least thirty days' notice having been given by posting up such written notices in at least five of the most public places in such township or precinct that at such election a vote would be taken for or against a tax to purchase a site and build a town hall, the trustees may purchase a site and erect thereon a town hall for such township or precinct, the whole not to cost over two thousand dollars, and levy a tax on all the taxable property within such township or precinct to pay the same. [90 v. 257.]

Town hall.

SEC. 1444. The trustees at every election, or township meeting, have power to cause any disorderly person to be removed, and, if necessary, confined until the close of such election, or meeting; and every constable present shall obey their orders and directions, for the purpose of preserving order at such meeting. [51 v. 489, § 24.]

Shall preserve order at elections.

SEC. 1445. At least twenty days before the annual election, the trustees shall issue their warrant to a constable of the township, directing him to notify the electors of such township to assemble at the time and place appointed for the annual election, and said warrant shall enumerate the officers to be chosen at such election; and, on application of two or more freeholders of the township, for that purpose, the trustees shall insert in said warrant such other business, matter or thing, as may be proposed to be submitted at said township election. [97 v. 187.]

Notice of township election.

SEC. 1446. The constable who receives such warrant shall notify the electors of the township, by setting up copies of such warrant in at least three public places in such township, at least ten days before the meeting of the electors; but where the office of one or more of the trustees is vacant, the township clerk, together with the trustee or trustees in office, shall issue the warrant aforesaid. [51 v. 489, § 17.]

How notice served.

SEC. 1392. In all townships which have been divided, the trustees shall give fifteen days' notice of the time and place of holding elections in the precincts of such townships, by posting up written or printed notices in such number of places as to them seem proper, for the general information of the electors of the several precincts. [51 v. 497, S. & C. 1573.]

Notice of holding elections.

SEC. 1448. There shall be elected in each township one township clerk, one trustee, one township treasurer and such number of constables as may be directed by the trustees, and one supervisor of roads by the electors of each road district, and one assessor for the township, or if the township is divided into two or more election precincts, then for each precinct in which such election is held; and the judges and clerks in discharging their duties in said election shall be governed in all respects by the law regulating elections, but it shall not be necessary to send a poll-book to the clerk of the court of common pleas of the proper county; and in case any two or more persons have the highest and an equal number of votes for any one of the township offices directed to be filled, the clerk and judges of the election shall determine by lot which of the persons is duly elected; and the officers so elected shall hold their respective offices for the following terms, and until their successors are elected and qualified: Supervisors of roads and assessors, one year; township clerk and treasurer, two years; and constables,

Election of township officers.

Assessors.

Laws governing judges and clerks.

Tie vote.

Terms of office.

Trustees of
new town-
ship.

Tie vote.

Treasurer and
clerk.

three years; and trustees, three years; provided, that at the first annual election of any new township there shall be elected three trustees, the one receiving the highest number of votes to serve three years; the one receiving the next highest number of votes to serve two years, and the one receiving the next highest number of votes to serve one year; should any two or more of those elected receive the same number of votes, they, at the first meeting of the board after their election, shall determine by lot the term for which each of them receiving an equal number of votes shall respectively hold the office; and provided, further, that at the next annual election after the passage of this act, and at the first election of any new township, a treasurer shall be elected for one year and a clerk for two years, and thereafter a township treasurer and clerk shall not be elected at the same annual election. [97 v. 187.]

Where and
how town-
ship elections
to be held.

SEC. 2996. Elections for township officers shall be held in the same precincts, and by the same judges of election, as provided in this title for the election of state and county officers; and returns of township elections shall be made by the judges thereof in the several election precincts, to the proper township clerks, within one day after the election. [69 v. 202, § 1.]

SUPERVISORS OF ROADS.

Who may be
supervisor
and how elec-
ted.

SEC. 1456. Every supervisor of roads shall be a resident of the district for which he is elected; and no elector shall vote for more than one supervisor of roads, or for any person for that office who is not an actual resident of the district in which said elector resides, and if a ballot contains more than one name for the office of supervisor, or if it appears to the satisfaction of the judges of election that an elector has voted for any person for that office other than for the district in which such elector resides, such vote, as to that office, shall be deemed void; and if, on counting the votes, it appears that there were more votes given for supervisor of a district than there were resident electors of such district voting at such election, the judges shall declare the election, as to that district, void; and the vacancy shall be filled by the trustees, as in other cases of vacancy. [51 v. 489, § 14; 58 v. 123, § 1; 65 v. 14, § 2.]

JUSTICES OF THE PEACE.

Common pleas
court shall fix
number for
new town-
ships.

SEC. 566. When a new township is set off, the court of common pleas of the proper county shall determine on a suitable number of justices of the peace for such township, and the day of election, and the clerk of the court shall transmit a copy of the proceedings thereof to the trustees of the same, who shall immediately give notice to the electors, in the manner pointed out in section five hundred and sixty-

seven, to elect the justices so determined on; and should there be no trustees of the township, the clerk shall give notice of such election by causing advertisements to be set up in three public places in the township, not less than ten nor more than fifteen days previous to the election designating the time and place of holding such election. [51 v. 406, § 1.]

SEC. 567. When a vacancy occurs in the office of justice of the peace in any township in the state, either by death, removal, absence at any one time for the space of six months, resignation, refusal to serve, or otherwise, the trustees, having notice thereof, shall, within ten days from and after such notice, fill any such vacancy by appointing a suitable and qualified resident of the township who shall serve as justice until the next regular election for justice of the peace and until his successor is elected and qualified; and a majority vote of the trustees shall be sufficient to appoint. At the next regular election, some suitable person shall be elected justice in the manner provided by law, for the term of three years; and the clerk of the court of common pleas, in certifying to the secretary of state the appointment of a justice of the peace to fill any vacancy, as aforesaid, shall specify in his certificate, the name of the justice of the peace whose place is supplied by the person whose appointment is certified to, and also the date when such vacancy occurred; and to enable the clerk of the court to comply with so much of this section as relates to his duties, the trustees shall notify him of any vacancy, as aforesaid, and the date when it occurred; and in case the election of an additional justice of the peace in any township is authorized by the proper authority, the clerk of the court, in certifying his election to the secretary of state, shall state in his certificate that he is such additional justice of the peace, so authorized and elected. [97 v. 38.]

Vacancies to
be filled
by trustees.

Election.

Notice to
county clerk
by trustees.

SEC. 581. Every justice of the peace, when commissioned, shall, in thirty days thereafter, transmit the date thereof, to the clerk of the township, who shall make an entry thereof in a book by him to be provided for that purpose, and before the first day of September of each year, the clerk shall give a written notice to the trustees of all commissions expiring within twelve months after the first day of November following, or which may have expired theretofore, and the date when each such justice's commission expired, or will expire, and the trustees, on receiving such notice, shall notify the electors of such township to elect at the next regular November election thereafter, a justice of the peace to fill each vacancy in the manner pointed out in section five hundred and sixty-seven (567). [97 v. 38.]

Record of date
of com-
missions.

Notice of
election.

SEC. 1476. The trustees of any township, on the petition of twenty electors thereof, shall upon four weeks' public notice, published in some paper of general circulation in the county, submit to the electors of such township,

Question of
township
library shall
be submitted
to electors.

at some general election in November, the question whether there shall be a public library established in such township for the use and benefit of the citizens thereof, and those voting at such election in favor of such library, shall put upon their ballots the words "Public library—yes," and those voting thereat against such library, the words, "Public library—no;" and if a majority of the electors voting at such election vote in favor thereof, the trustees aforesaid have authority, annually, to levy upon all the taxable property of such township a tax not exceeding one mill on the dollar valuation thereof, to be applied to the establishment and maintenance of a library, as aforesaid, and the procuring of a suitable room or rooms for the same. [97 v. 189.]

Hearse and vault may be provided if electors vote for same.

SEC. 1485. The trustees of any township are authorized to levy a tax in such amount, as shall be by them determined, to purchase a hearse and build a vault, or for either of said purposes, for the use of said township to be under the control of the trustees thereof, or some person appointed by them; but the question of levying such tax, for either or both of said purposes, and the amount asked therefor shall be separately submitted to the qualified electors of the township at some general election, twenty days' notice thereof having been previously given by posting, in at least three public places in said township; the notice shall state specifically the amount to be raised, and for what purpose, either for purchase of hearse, or erection of vault, and if a majority of all the votes cast at such election are in favor of either, or both of said propositions, the same shall be considered adopted, and the tax herein provided for authorized. [75 v. 46, § 1.]

Election therefor.

SEC. 1486. The electors voting at said election shall have placed on their ballots the words, "Tax for hearse—Yes" or "Tax for hearse—No," and upon the same ballot, "Tax for vault—Yes" or "Tax for vault—No," and may vote for one proposition and against the other, or for or against both. [75 v. 46, § 2.]

INCORPORATION OF VILLAGES AND HAMLETS.

Petition to township trustees for incorporation.

SEC. 1561*a*. When the inhabitants of any territory or portion thereof desire that such territory shall be incorporated into a village or hamlet they shall make application to the trustees of the township [in which] the territory is located, or if the territory is located in more than one township, to the trustees of the township in which the majority of the said inhabitants reside, by petition, signed by at least 30 electors thereof, a majority of whom shall be freeholders. Said petition shall be accompanied by an accurate map of the territory, and shall contain in addition to the matter set forth in section 1555 of the Revised Statutes of Ohio, the request of the petitioners that an election be held to obtain the sense of the electors upon such incorporation and such

petition may be presented at a regular or special meeting of the township trustees. [94 v. 18.]

SEC. 1561b. When the township trustees receive the petition, together with the proof that the persons who signed it are electors, and reside within the limits of the proposed incorporation, and that a majority of them are freeholders, they shall then make and declare that such territory shall, with the assent of the qualified voters thereof as hereinafter provided, be an incorporated village or hamlet by the name specified in the petition aforesaid, and they shall also include in such order, a notice for the election by the qualified voters, residents in said territory, at a convenient place therein to be by them named, on some day within fifteen days thereafter, to determine whether such territory shall be incorporated, and said township trustees shall give ten days' notice of such election by publication in a newspaper of general circulation in such territory, and cause written or printed notices thereof, to be posted in three or more public places in said territory proposed to be incorporated. [92 v. 333.]

Procedure of
trustees upon
receipt of pe-
tition.

SEC. 1561c. The township trustees shall be judges of the election, and the township clerk shall be clerk thereof, and the election shall, as far as practicable, be conducted in the manner prescribed for the election of township officers, and the ballot shall contain the words "For incorporation" and "Against incorporation," and if a majority of the ballots cast at such election shall contain thereon the words "Against incorporation," the voters of such territory shall be deemed not to have assented to the incorporation thereof, and no further proceedings shall be had in relation thereto, but this shall not be a bar to other proceedings for the same purpose; but if a majority of the ballots cast shall have thereon the words "For incorporation," the township trustees shall cause to be entered on their journal, a minute of all their proceedings, the number of votes cast at the election, the number of votes cast for incorporation, and the number cast against incorporation, and they shall then declare that said territory shall from that time be deemed an incorporated village or hamlet, and shall make an order declaring that such village or hamlet has been incorporated by the name adopted, and the trustees shall make a certified transcript of the journal entries of all their proceedings, together with their original petition and plat, and a majority of them having signed it, they shall deliver the same to the county recorder, who shall forthwith make a record of the petition, transcript and plat or map, in the public book of records, and preserve in his office the original papers delivered to him by the trustees, and certify thereon that the transcribed petition and map are properly recorded. When the recorder has so made said record, he shall certify and forward to the secretary of state, a transcript of the same.

Election
upon question
and procedure
thereafter.

Injunction;
petition for
error.

The corporation shall then be a village or hamlet, as the case may be, under the name adopted in the petition, with all powers and authorities, and be recognized as such, the same as if such incorporation had been organized under chapter 2, division 2, title 12 of the Revised Statutes of Ohio, but no injunction shall be brought, as provided in section 1562 of the Revised Statutes of Ohio unless the same be instituted within ten days from the filing of the papers with the county recorder; provided, however, that the right of petition to the court of common pleas for error, shall exist as is provided for in the following sections of this chapter. [92 v. 334.]

NEWLY CREATED HAMLET OR VILLAGE.

Election of
officers.

SEC. 1565. The first election of officers for such corporation shall be at the first annual municipal election after its creation, and the place of holding the election shall be fixed by the agent of the petitioners, and notice thereof, printed or plainly written, shall be posted by him at three or more public places within the limits of the corporation, at least ten days before the election; which election shall be conducted, and the officers chosen and qualified, in the manner prescribed for the election of township officers; provided, that such first election may be a special election held at any time not exceeding six months after the incorporation, and the time and place of holding such special election shall be fixed by the agent aforesaid, and notice thereof shall be given as is required in this section for the annual municipal election. [73 v. 157, § 24.]

Incorporation
of territory
surrounding
summer re-
sorts, etc.

SEC. 1566a. That any territory requiring police protection and containing a population of not less than fifty persons and immediately surrounding a summer resort, park, lake or picnic ground, kept regularly for such outing and pleasure, may incorporate by setting up notices of an election in three of the most public places in the territory proposed to be included in the incorporation signed by five citizens and electors of the territory. Said notices to be posted at least ten days before the election, stating time and place where such election shall be held, and shall contain an accurate description of the territory proposed to be taken into the incorporation. The election shall, as far as practicable, be conducted in the manner prescribed for the election of township officers. The electors present shall choose three judges and two clerks from the electors present to act as judges and clerks of said election, and the ballot shall contain the words: "For incorporation" and "Against incorporation." If the majority of the ballots cast at such election shall contain the words "For incorporation," it shall be deemed that the citizens of the designated territory have assented to such incorporation. And, if the majority of the ballots cast at such election shall contain the words "Against incorpora-

tion," it shall be deemed that the people of said designated territory shall not have assented to the incorporation thereof. Such laws governing the creation and regulation of incorporated villages in force and such as may be hereinafter enacted shall have full force and effect in so far as are not inconsistent and do not conflict with the provisions of this act. [95 v. 469.]

Laws to govern.

SURRENDER OF CORPORATE POWERS.

SECTION 4. Villages may surrender their corporate powers upon petition to council of at least forty per cent. of the electors thereof, to be determined by the number voting at the last municipal election, and an affirmative vote of a majority of said electors at a special election which shall be provided for by council, and conducted and canvassed, and the result certified and made known as regular municipal elections within the corporation. If the result of the election is in favor of such surrender, the clerk of the village shall certify the same to the secretary of state and the recorder of the county, who shall record the same in their respective offices, and thereupon the corporate powers of such village shall cease; provided that such surrender of corporate powers shall not affect vested rights or accrued liabilities of such village, or the power to settle claims, dispose of property, or levy and collect taxes to pay existing obligations; but after the presentation of the petition herein referred to, council shall not create any new liability until the result of the election is declared, nor thereafter, if such result is in favor of the surrender of corporate powers; provided, further, that due and unpaid taxes may thereafter be collected, and all moneys or property remaining after such surrender shall belong to the school district embracing such village.

Villages may surrender their corporate powers; procedure.

All courts shall take judicial notice of the classification of municipal corporations, and their advancement, reduction and surrender of powers. [96 v. 21.]

ANNEXATION OF ONE MUNICIPAL CORPORATION TO ANOTHER.

SEC. 1606. When the inhabitants, generally, of any municipal corporation, the territory of which shall be contiguous, and adjoining the territory of another municipal corporation, desire to be annexed to such other corporation, such annexation shall be effected in the manner hereinafter described. [66 v. 267, § 697.]

Annexation of one municipality to another.

SEC. 1607. The trustees or council of the corporation proposing such annexation shall submit the question of annexation to the electors of the corporation, and the trustees or council of the corporation to which the annexation is proposed to be made, shall also submit the same question to its electors. [66 v. 267, § 698.]

Submission of question to vote.

Ordinance for
purpose.

SEC. 1608. The submission shall be by ordinances adopted by the trustees or council of each corporation at least thirty days prior to an annual election, at which election the vote shall be taken, and the ordinances shall each prescribe the manner in which such submission shall be made, and they shall be published in each corporation, by posters or otherwise, in such manner as the respective trustees or councils may deem most expedient, for the period of at least twenty days prior to the day fixed for such election. [97 v. 190.]

Result, if
favorable, to
be certified.

SEC. 1609. If a majority of the electors of each corporation, voting on the question so submitted, is in favor of such annexation, the trustees or council of each shall thereupon cause the result to be certified to the other corporation. [66 v. 268, § 700.]

ELECTION OF MUNICIPAL OFFICERS.

Municipal officers;
election and beginning
of term.

SEC. 222. The first election under this act shall be held on the first Monday in April, 1903, and all elective officers provided for in this act, shall be elected at that time, and the terms of all existing elective officers of municipalities except as otherwise provided in this act, shall cease and determine on the first Monday in May, 1903, and their offices shall be abolished upon the qualification of the officers provided for in this act, and every year thereafter, beginning with the year 1904, on the first Tuesday after the first Monday in November, an election shall be held in each municipal corporation, and such election shall be the regular municipal election, shall be held, canvassed, and the result certified, in the manner provided by law, with respect to municipal elections. The officers chosen at the first election held on the first Monday in April, 1903 shall begin their respective terms on the first Monday of May succeeding their election. The officers elected at each subsequent election, beginning with the year 1904, shall commence their respective terms on the first Monday of January after their election. The election of the successors of all elective municipal officers whose terms now expire on the first Monday of May, shall be held on the first Tuesday after the first Monday of November next following the expiration of such terms, and all elective municipal officers whose terms would otherwise expire on the first Monday of May previous to the election of their successors, shall hold their offices until their successors are elected and qualified. All successors to judges and clerks of police courts and assessors shall likewise be elected on the first Tuesday after the first Monday in November and their terms, respectively, shall begin on the first Monday of January after their election. [97 v. 39.]

SEC. 1718. In municipal corporations divided into wards, an assessor shall be elected in each ward at every annual election. He shall take the same oath, give the same bond and perform the same duties as are provided with respect to township assessors. Provided, that in any township, composed in part of a municipal corporation or municipal corporations, the county commissioners may, by order entered on their journal, constitute the territory outside such municipal corporation or corporations one or more assessor districts, in each of which an assessor shall be elected annually, in accordance with law. Provided, also, that nothing herein shall interfere with the duties now devolving upon deputy state supervisors of elections. [91 v. 76.]

Election, oath, bond and duties of assessors.

Assessor districts in certain townships.

Duties of deputy supervisors.

SEC. 1725. The council of every municipal corporation shall designate the place or places for holding the regular elections; and in all corporations divided into wards, there shall be a place or places in each ward designated for holding elections. [67 v. 70, § 72.]

Designation of election.

SEC. 1726. The mayor, previous to any election for a municipal officer or officers, shall issue a proclamation to the electors of the corporation, or of the respective wards or districts, as the case may require, setting forth the time and places of election, and the officers to be chosen, and cause such proclamation to be published in some newspaper printed in the corporation, at least ten days previous to the election, or, if no such newspaper is published in the corporation, such notice may be given by posters. [66 v. 161, § 73.]

Mayor's election proclamation.

SEC. 1727. A person who, at the time of an election for municipal officers, is an elector for county officers, and resides in the ward, or corporation, if there be no wards, in which he offers to vote, is a qualified elector; and the elections shall be held and conducted, in all respects, in the manner prescribed by law in case of township elections. [66 v. 162, § 74.]

Who are electors.

SEC. 1728. Returns of municipal elections in corporations which are divided into election districts or wards, shall be made to the clerk or auditor of the corporation, and be opened by him within the time prescribed for the opening of the returns of county elections. [97 v. 190.]

Election returns; when opened.

SEC. 1729. The clerk or auditor, or in his absence or disability, some person to be selected by the council, shall call to his assistance the mayor, and in his presence, make an abstract and ascertain the candidates elected, as required by law with respect to county officers; and he shall, in like manner, make a certificate as to each candidate so elected, and cause the same to be delivered to him, or left at

Abstract of votes.

his usual place of abode; provided, that if there is **no** mayor, or the mayor is absent or disabled, or a candidate at such election, the clerk shall call to his assistance a justice of the peace of the county. [97 v. 190.]

Tie vote; decision by lot.

SEC. 1731. If the result cannot be determined from the votes cast, for the reason that more than the number of persons to be elected have an equal number of votes for the same office, then the officers whose duty it is to ascertain the persons elected, shall determine by lot which of such persons shall be declared elected; and the election of any municipal officer, except a member of the council, may be contested in the manner provided by law for contesting the election of justices of the peace, except in cities of the first grade of the first class, such election may be contested only in the manner provided for contesting the election of county officers. [67 v. 70, § 78.]

Proclamation as to sale of liquors on election day.

SEC. 1838. The mayor shall, three days previous to and on the day of any election, issue a proclamation to the public, setting forth therein the substance of the enactments to prohibit the sale of intoxicating liquors on that day; and it shall be the duty of the mayor to take proper measures for the enforcement of such enactments. [61 v. 24, § 1.]

TOWNSHIP AND MUNICIPAL BONDS.

Townships and municipalities may issue and sell bonds for purposes specified in this act.

SEC. 2835. That the trustees of any township or hamlet, or the council, board of legislation or other legislative body or bodies of any city, village, or other municipal corporation of the state of Ohio, shall have the power to issue and sell bonds in such amounts and denominations, for such period of time and at such rate of interest, not exceeding six per cent., and in such manner as is provided by the law for the sale of bonds by such township, hamlet, city, village or other municipal corporation, for any of the purposes provided for in this act, whenever such trustees, council, board of legislation or other legislative body or bodies by an affirmative vote of not less than two-thirds of the members elected or appointed thereto shall by resolution or ordinance deem the same necessary.

1. For procuring the real estate and right of way for any improvement authorized by this section, or for purchasing real estate with a building or buildings thereon, to be used for public purposes.

2. For extending, enlarging, improving, repairing or securing a more complete enjoyment of any building or improvement authorized by this section, and for equipping and furnishing the same.

3. For sanitary purposes and for erecting a crematory or providing other means for disposing of garbage and refuse matter.

4. For improving highways leading into the township or corporation, or for building or improving a turnpike, or for purchasing one or more turnpike roads and making the same free.

5. For constructing wharves and landings on navigable waters.

6. For erecting infirmaries.

7. For erecting workhouses, prisons and police stations.

8. For erecting houses of refuge and corrections.

9. For erecting market houses and providing market places.

10. For erecting public halls and public offices.

11. For erecting or purchasing waterworks and supplying water to the township, hamlet or corporation and the inhabitants thereof.

12. For erecting or purchasing gas works or electric light works, and for supplying light to the township, hamlet or corporation and the inhabitants thereof.

13. For providing grounds for cemeteries, for enclosing and embellishing the same, and for erecting vaults.

14. For constructing sewers, sewage disposal works, flushing tunnels, drains and ditches.

15. For establishing free public libraries and reading rooms.

16. For the establishment of free public baths.

17. For erecting monuments to commemorate the services of soldiers, sailors and marines of the state and nation.

18. For improving any watercourse or water front.

19. For the payment of obligations arising from emergencies resulting from epidemics, or floods, or other forces of nature.

20. For purchasing and condemning the necessary land for park and boulevard purposes and for improving the same as well as for improving or completing the improvement of any existing boulevard, park, or parks.

21. For erecting hospitals and pest houses and for rebuilding, repairing, or improving existing hospitals and pest houses.

22. For resurfacing, repairing, or improving any existing street or streets as well as other public highways.

23. For opening, widening and extending any street or public highway.

24. For purchasing or condemning any land necessary for street or highway purposes, and for improving the same or paying any portion of the cost of such improvement.

25. For constructing levees and embankments or paving or improving the same, and for improving any water-

course passing through said township, hamlet or municipal corporation.

26. For constructing or repairing viaducts, bridges and culverts, and for purchasing or condemning the necessary land therefor.

27. For erecting any building necessary for a fire department, purchasing fire engines, fire boats, constructing water powers and fire cisterns, and paying the cost of placing underground the wires or other signal apparatus of any fire department.

The bonds herein authorized may be issued for any [or] of all purposes enumerated herein, but the total bonded indebtedness hereafter created in any one fiscal year under the authority of this act by any township, hamlet or municipal corporation shall not exceed one (1) per cent. of the total value of all property in such township, hamlet, or municipal corporation, as listed and assessed for taxation, except as otherwise provided in this act.

Exception—
may exceed
said amount
after
submission of
question to
vote.

Whenever the trustees of any township, or hamlet, or the council, board of legislation, or other legislative body or bodies of any municipal corporation, shall by resolution or ordinance passed by an affirmative vote of not less than two-thirds of all the members elected or appointed thereto, deem it necessary in any one fiscal year to issue bonds for all or any of the purposes authorized in this act in any amount greater than one per cent. of the total value of all property in such township, hamlet, or municipal corporation as listed and assessed for taxation, then and in that event they shall submit the question of issuing any bonds in excess of said one per cent. to a vote of the qualified electors of such township, hamlet or municipal corporation at a general or special election in the manner provided in section 2837, Revised Statutes.

Aggregate
amount of
bonded in-
debtedness
permitted to
township or
municipality
at any time;
exception.

Provided, however, that the aggregate amount of all outstanding and unpaid bonds hereafter issued under the authority of this act shall never exceed four per cent. of the total value of all property in such township, hamlet or municipal corporation as listed and assessed for taxation, unless an excess of such amount is authorized by vote of the qualified electors in such township, hamlet or other municipal corporation in a manner provided in section 2837, Revised Statutes. [97 v. 291.]

Tax shall be
levied to pay
bonds and in-
terest.

SEC. 2836. For the payment of bonds issued under the authority of section 2835 of the Revised Statutes or issued after a submission of the question to the people under the provisions of section 2837 of the Revised Statutes, the trustees of any township, or hamlet, or the council, board of legislation or other legislative body or bodies of any municipal corporation, shall levy a tax in addition to all levies now authorized by law, every year during the period said bonds have to run sufficient to pay the interest on said bonds and to provide a sinking fund for their final redemption at maturity. [76 v. 158; 95 v. 321.]

SEC. 2837. Before any bonds in excess of the said one per cent. in any one year or in excess of the said four per cent. in the aggregate are issued or tax levied, as provided in sections 2835 and 2836, Revised Statutes, the question of issuing the same shall be submitted to the voters of the township, hamlet, or municipal corporation at a general or special election. And whenever the trustees of any township or hamlet or the council of any municipal corporation shall by resolution or ordinance passed by an affirmative vote of not less than two-thirds of all the members elected or appointed thereto, declare it necessary to issue and sell the bonds of such township, hamlet or municipal corporation as the case may be, for any or either of the purposes mentioned in section 2835 of the Revised Statutes in excess of the amounts therein authorized, and shall by such resolution or ordinance fix a date upon which the question of issuing and selling such bonds shall be submitted to the electors of such township, hamlet or municipality, and shall cause a copy of such resolution or ordinance to be certified to the deputy state supervisors of the county in which such township, hamlet, or municipal corporation is situated, and such deputy state supervisors shall thereupon proceed to prepare the ballots and make all other necessary arrangements for the submission of such question to the electors of any such township, hamlet or municipal corporation at the time fixed in said resolution. Such election shall be held at the regular place or places of voting in such township, hamlet or municipality, and shall be conducted, canvassed and certified in the same manner, except as otherwise provided by law, as November elections in such township, hamlet, or municipal corporation for the election of officers thereof; provided, however, that when a special election for such purposes is held in a municipal corporation divided into wards there may be but one voting place in each ward, which shall be designated by the deputy state supervisors of elections and the notice hereinafter provided for shall designate the voting place in each ward. In all cities in which registration is required if but one voting place is designated in each ward, certificates of removal shall not be necessary except when transfers are required from one ward to another, and the deputy state supervisors of all such cities shall issue all such removal certificates. Thirty days notice of the submission shall be given in one or more papers printed therein once a week for four consecutive weeks, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election; and if no newspaper is printed therein the notice shall be posted in a conspicuous place and published once a week for four consecutive weeks in some newspaper of general circulation in the township, hamlet or municipal corporation; and if two-thirds of the voters voting at such election upon the question of issuing the bonds vote in favor thereof, then and not otherwise the bonds for

Procedure
when bond
issue must be
submitted to
vote.

such excess shall be issued and the tax levied. Those who vote in favor of the proposition shall have written or printed on their ballots in quotation, "For the issue of bonds"; and those who vote against the same shall have written or printed on their ballots the words, "Against the issue of bonds." Provided, however, that no township, hamlet, or municipal corporation shall hereafter create or assume an aggregate indebtedness of outstanding and unpaid bonds under the authority of this act in excess of eight per cent. of the total value of all property in such township, hamlet, or municipal corporation, as listed and assessed for taxation. Provided, further, that in cases where the trustees of any township or hamlet have, or the council of any city, village, or other municipal corporation, has heretofore passed a resolution or ordinance declaring it necessary to issue and sell bonds of such township, hamlet or municipal corporation, for any of the purposes authorized by law, the provisions of this act limiting the aggregate amount of bonds to be issued shall not be construed to apply to the bonds provided for in such resolution or ordinance. [97 v. 191.]

AN ACT

To authorize cities to issue bonds for park purposes.

Cities authorized to issue bonds for park purposes.

SECTION 1. That any city in the State of Ohio be and the same is hereby authorized to issue, in addition to any bonds heretofore authorized to be issued, the bonds of any such city in any sum or sums, not exceeding in amount such a sum as shall be eight-tenths of one per centum of the total valuation for taxation of all taxable property within such municipal corporation, as the same shall appear upon the county duplicate for the year in which such bonds are issued, said bonds to be issued and sold in the manner prescribed by law. The proceeds of any bonds issued under authority of this act shall be exclusively used to acquire and improve the necessary land for the establishment of a park in connection with public buildings in any city.

Shall not be considered as increasing aggregate city debt.

SEC. 2. Bonds issued under authority of this act shall not be considered as increasing the aggregate debt of any such city, as contemplated in section 2704 of the Revised Statutes of Ohio.

Submission of question of bond issue to vote, etc.

SEC. 3. Before any such bonds are issued such question shall be submitted to the voters of such city at a special or general election, such election to be designated by ordinance duly adopted by the council of such city, and which ordinance shall contain a description of the land and specify the purposes for which the proceeds of such bonds are to be expended, and if a majority of the voters voting at such election, upon the question of issuing the bonds, vote in favor thereof, then and not otherwise, the bonds shall be issued and the taxes levied. [95 v. 438.]

AN ACT

Authorizing the issuing of bonds of municipal corporations for enlarging, improving or extending natural gas works, and providing for submitting issuing the same to a vote of the people.

SECTION 1. That the council, board of legislation or other legislative body or bodies of any municipal corporation of the state of Ohio shall have power to issue and sell bonds in such manner as is provided by law for the sale of bonds by municipal corporations, at a rate of interest not exceeding six per cent., whenever such council, board of legislation or other legislative body or bodies, by an affirmative vote of not less than two-thirds of the members elected or appointed thereto shall, by resolution or ordinance, deem the same necessary for the purpose of extending, enlarging, improving, repairing or securing a more complete enjoyment of any natural gas works owned by such municipal corporation, subject, however, to the provisions of section 2 of this act. [95 v. 478.]

Municipalities authorized to issue bonds for improving natural gas works.

SEC. 2. Before any such bonds are issued, the question of issuing the same shall be submitted to the voters of the municipal corporation at a general or special election, whenever the council of any municipal corporation shall, by resolution or ordinance, passed by an affirmative vote of not less than two-thirds of all the members elected or appointed thereto, declare it necessary to issue and sell the bonds of such municipal corporation for any of the purposes set forth in section 1 of this act, they shall, by such resolution or ordinance fix the date upon which the question of the issue and sale of such bonds shall be submitted to the electors of such municipality, and shall cause a copy of such resolution or ordinance to be certified to the deputy state supervisors of the county in which such municipal corporation is situated, and such deputy state supervisors shall thereupon proceed to prepare the ballots and make all other necessary arrangements for the submission of such question to the electors of such municipal corporation at the time fixed in such resolution or ordinance. Such election shall be held at the regular place or places of voting in such municipal corporation, and shall be conducted, canvassed and certified in the same manner, except as otherwise provided by law, as November elections in such municipal corporation for the election of officers thereof; provided, however, that, when a special election for such purpose is held in a municipal corporation divided into wards, there may be but one voting place in each ward, which shall be designated by the deputy state supervisors of elections, and the notice hereinafter provided for shall designate the voting places in each ward. In all cities in which registration is required, if but one voting place is designated in each ward,

Question of issue to be submitted to vote.

certificates of removal shall not be necessary, except where transfers are required from one ward to another, and the board of deputy state supervisors of all such cities shall issue such removal certificates. Fifteen days' notice of the submission shall be given in one or more newspapers printed therein once a week for two consecutive weeks, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election; and, if no newspaper is printed therein, the notice shall be posted in a conspicuous place and published once a week for two consecutive weeks in some newspaper of general circulation in the municipal corporation. If two-thirds of the voters voting at such election upon the question of issuing the bonds vote in favor thereof, then, and not otherwise, the bonds shall be issued, and a tax may be levied for the purpose of paying the interest and principal upon such bonds. Those who vote in favor of the proposition shall have written or printed on their ballots, in quotation, "For the issue of bonds;" those who vote against the same shall have written or printed on their ballots the words, "Against the issue of bonds." [97 v. 237.]

STATE AND COUNTY ELECTIONS.

Sheriff to
issue procla-
mation of
election.

SEC. 2977. The sheriff of each county shall, at least fifteen days before the holding of any general election and at least ten days before the holding of any special election, for any officer named in the next section, give notice by proclamation throughout his county of the time and place of holding such election, and the officers at that time to be chosen, one copy of which shall be posted up at each of the places where elections are appointed to be held; and such proclamation shall also be inserted in some newspaper published in the county, if any is published therein. [50 v. 311, § 4.]

Time of state
and county
elections.

SEC. 2978. All general elections for governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, attorney-general, state commissioner of common schools, member of the board of public works, judge of the supreme court, clerk of the supreme court, judge of the circuit court, judge of the common pleas court, senators and representatives to the general assembly, judge of the probate court, clerk of the common pleas court, sheriff, county auditor, county commissioner, county treasurer, county recorder, county surveyor, prosecuting attorney, infirmary director, and coroner shall be held on the first Tuesday after the first Monday in November. All votes for any judge for any elective office, except a judicial office, under the authority of this state, given by the general assembly or the people shall be void. [83 v. 35.]

Of congress-
sional elec-
tions.

SEC. 2979. The electors of each congressional district in this state shall, biennially, on the first Tuesday after the

first Monday in November, vote for a representative in the congress of the United States for the term commencing on the fourth day of March next thereafter. [83 v. 35.]

SEC. 2988. Whenever a vacancy happens in the office of representative to congress, or senator or representative to the general assembly, the governor shall, upon satisfactory information thereof, issue a writ of election, directing that a special election be held to fill such vacancy, in the territory entitled to fill the same, on a day which shall be specified in the writ; such writ shall be directed to the sheriff or sheriffs within such territory, who shall give notice of the time and places of holding such election, as in other cases; and such election shall be held and conducted, and returns thereof made, as in case of a regular election. [50 v. 311, § 28.]

Vacancy in office of representative to congress and members of general assembly; how filled.

SEC. 2993. If any number of persons greater than the number of county offices directed to be filled at any election have the highest and an equal number of votes, the deputy state supervisors aforesaid shall determine by lot which of the persons shall be duly elected; and if, at any election for senators or representatives to the general assembly, there is no choice in any instance, on account of two or more persons having received the highest and an equal number of votes, the deputy state supervisors issuing the certificates of election shall publicly determine by lot who of those having such equal number of votes shall be elected; such decision by lot shall be made in their office aforesaid, at ten o'clock A. M. on the eighth day after the election; and in such case the deputy state supervisors shall not be required to forward the returns of the election until such decision by lot has been made. [90 v. 281.]

Tie votes for county officers and members of the general assembly to be determined by lot.

SEC. 2995. The deputy state supervisors shall, without fee, make, and, upon demand, deliver to the persons elected respectively to the offices of probate judge, clerk of the court of common pleas, sheriff, coroner, county auditor, county commissioner, county treasurer, county recorder, county surveyor, prosecuting attorney, infirmary director, and senator and representatives to the general assembly, certificates of their election; and they shall also make, for any elector of his county, upon being paid one dollar therefor, an abstract of votes cast at any election to fill any of said offices. [90 v. 281.]

Certificates of election of certain officers; abstracts of votes for such officers

PRESIDENTIAL ELECTIONS.

SEC. 2967. At least fifteen days before the time for holding the election provided for in the next section, the sheriff shall give public notice by proclamation throughout

Sheriff shall issue proclamation of election.

his county, of the time and place of holding such election, and the number of electors to be chosen; a copy of which shall be posted up at each of the places where elections are appointed to be held, and inserted in some newspaper published in the county, if any is published therein. [61 v. 84, § 1; 50 v. 311, § 4.]

Electors of president and vice president to be elected.

SEC. 2968. The qualified electors shall, on the Tuesday next after the first Monday in November, in the year eighteen hundred and eighty, and every fourth year thereafter, elect a number of electors of president and vice-president of the United States, equal to the number of senators and representatives this state may be entitled to in the congress of the United States; but no senator or representative in congress, or other person holding an office of trust or profit under the United States, or any law thereof, shall be eligible as an elector of president or vice-president. [61 v. 84, § 1.]

Secretary of state to canvass returns, and governor to issue certificates and make publications.

SEC. 2970. When returns are received from all the counties, the secretary of state shall, in the presence of the governor, auditor of state, and such other state officers as may choose to attend, open the abstracts of poll-books, and as they are opened, cause the same to be read aloud, and make an abstract showing the number of votes given for each person for such office; and if two or more such persons receive an equal number of votes, the secretary of state, in the presence of the state officers aforesaid, shall determine by lot which of such persons is duly elected; and the governor shall make, and transmit by mail to the persons having the highest number of votes, or whose election was determined by lot as aforesaid, certificates of their election to the office of elector of president and vice-president of the United States, and shall cause notice of their election to be published in three newspapers published at Columbus, two of which shall be of opposite politics. [70 v. 272, § 1.]

Notice of contest of election of presidential electors.

SEC. 2970a. Any qualified voter may contest the election of the electors so chosen, or any of them, by serving notice upon the contestee or contestees in the manner and time prescribed in section 3005, and filing a copy thereof with the governor of the state within five days after the mailing by him of the certificates of election prescribed in section 2970; and the provisions of sections 2998, 2999, 3000 and 3001 shall apply to such contest, except that all testimony taken and all matters relating to the contest shall be sent to and filed with the secretary of state, before the day appointed by the governor for the hearing; and every such contest shall be heard and determined as hereinafter provided. [85 v. 26.]

Procedure.

SEC. 2970b. Upon the filing of the copy of such notice with the governor, it shall be his duty within five days to appoint four of the judges of the circuit courts, not more than two of whom shall be of the same political party, or so reputed to be, who, with the governor, shall be a commission to hear and determine such contest; and he shall appoint the time for such hearing, which shall be within ten days, and give them notice thereof; and thereupon a certified copy of the notice filed with the governor by the contestor, and notice in writing to the contestee or contestees of the time so appointed for the hearing, and requiring him or them to attend in the hall of the supreme court at Columbus, at such time, and answer the contest, shall be issued by the secretary of state to the sheriff of Franklin county; or if he be disqualified, to the coroner of said county, and may and shall be served by him upon such contestee or contestees, in any county, and return made to the secretary of state, as upon the summons in a civil action. The secretary of state shall act as the secretary of such commission, and discharge such duties as they may direct in that behalf. [85 v. 26.]

Commission to hear such contests.

Notice to contestees of time of hearing, etc.

Secretary of commission.

SEC. 2970c. The said commission shall, in hearing and determining such contest or contests, have and exercise all the powers and authority, and be governed by the same rules and procedure, as may be prescribed for the senate in contested elections of state officers, so far as applicable, and subject to the constitution and laws of the United States. In any order or vote by the commission, and in the final decision and judgment upon the contest, the governor shall vote if the other members of the commission are equally divided, and not otherwise. The judgment of such commission or the majority upon the contest or contests at any election of electors of president and vice-president of the United States, shall be final and conclusive thereof, and the record of the judgment and proceedings shall be filed and kept by the secretary of state in his office. [85 v. 26.]

Powers of and rules governing commission.

When governor shall vote; judgments and records of commission.

SEC. 2970d. If any contestee or contestees be ousted by the judgment of such commission or the majority of them, the certificate of election so issued to him or them shall be null and void, and the governor shall forthwith make and transmit by mail to the person or persons, if any, ascertained and determined by the judgment of the commission, or a majority of them, to have been duly elected, a certificate of his or their election to the said office of elector or electors of president and vice-president of the United States, and shall cause notice of his or their election and if such judgment to be proclaimed and published and [as] prescribed in section 2970. [85 v. 26.]

Proceedings under judgment of ouster.

SEC. 2970e. The commission shall render judgment against the party failing in any such contest for all the

Costs.

costs, including the costs of all depositions filed and allowed; and execution for the same shall be issued to any sheriff in the state and levied and collected as upon judgment and execution at law. Security for costs, satisfactory to the secretary of state, shall be given by the contestee or contestees before any notice of the contest shall be issued by him. [85 v. 26.]

The electors meet at Columbus.

SEC. 2971. The electors chosen as aforesaid shall, at twelve o'clock on the day appointed by the congress of the United States, meet at the state house in Columbus, and then and there perform the duties enjoined upon them by the constitution and laws of the United States. [29 v. 41, § 6.]

Electors to give notice to the governor of their presence.

SEC. 2972. Each elector shall, before the hour of twelve o'clock on the day next preceding the day fixed by the law of congress to elect a president and vice-president of the United States, give notice to the governor that he is present, and ready at the proper time to perform the duties of an elector; and the governor shall thereupon deliver to each such elector a certificate of the names of all the electors. [29 v. 41, § 8.]

How vacancies in the office of elector to be filled.

SEC. 2973. If any of the electors are absent, and fail to appear before nine o'clock on the morning of the day appointed for the election, the electors then present shall immediately proceed to elect by ballot in the presence of the governor, persons to fill the vacancies occurring through such nonattendance. [29 v. 41, § 8.]

Tie votes to be determined by the governor by lot.

SEC. 2974. If two or more persons receive an equal and the greatest number of votes at such election, the governor, in the presence of the electors attending shall determine by lot which of such persons is duly elected; otherwise he or they having the greatest number of votes shall be considered elected to such vacancies. [29 v. 41, § 9.]

Electors so chosen to be notified by the governor and to act as electors.

SEC. 2975. The electors making such choice shall forthwith certify to the governor the names of the persons so chosen, and the governor shall cause immediate notice in writing to be given to each of such persons; and the persons so chosen and notified, and not the persons in whose place they have been chosen, shall be electors, and shall meet the other electors at the time and place appointed, and then and there discharge all the duties enjoined on them as electors by the constitution and laws of the United States and of this state. [29 v. 41, § 10.]

Compensation of electors and how paid.

SEC. 2976. Each elector shall receive three dollars for each days' attendance at Columbus as such, and mileage at the rate of ten cents per mile for the estimated distance by

the usual route, from his place of residence to Columbus, to be paid by the state. [70 v. 272, § 1.]

SEC. 83. Each judge of the supreme court, circuit court, court of common pleas and probate court, state officer, county officer, militia officer and justice of the peace, and each officer whose office is created by law, and not otherwise provided for, shall be ineligible to perform any of the duties pertaining to such office until he shall receive from the governor a commission to fill such office, upon producing to the proper officer or authority a legal certificate of his being duly elected or appointed; and each of the officers above named, except militia officers and notaries public, who receives for the discharge of his official duties any fee, compensation or salary shall, before he shall be entitled to receive such commission pay to the secretary of state for the making out, recording and forwarding thereof a fee of five dollars, excepting each justice of the peace, who shall pay two dollars; and as soon after any election for any of the offices above named as the result shall have become officially known to them, the deputy state supervisors of election of each county in this state shall, upon payment to them by each such officer of the fee above described, immediately forward by mail to the secretary of state a certificate of election of each such office, together with the fee paid to them by such officer, which fee shall be covered into the state treasury for the use of the general revenue fund, and thereupon the governor, upon the filing of such certificate with the secretary of state, accompanied with the fee aforesaid, shall issue the proper commission to such officer and forward the same to the clerk of the court of common pleas, who shall deliver the same to such officer. [97 v. 185.]

Commissions and certificates of election of officers.

Fees.

TOWNSHIP LOCAL OPTION.

(4364-24.) SEC. 1. That whenever one-fourth of the qualified electors of any township, residing outside of any municipal incorporation, shall petition the trustees therefor for the privilege to determine by ballot whether the sale of intoxicating liquors as a beverage shall be prohibited within the limits of such township, and without the limits of any such municipal incorporation, such trustees shall order a special election for the purpose, to be held at the usual place or places for holding township elections; and notice shall be given and the election conducted in all respects as provided by law for the election of township trustees; and only those electors shall be entitled to vote at such election who reside within the township and without the limits of any such municipal incorporation. A record of the result of such election shall be kept by the township clerk in the record of the proceedings of township trustees; and in all trials for violation of this act, the original entry of said record, or a copy thereof certified by the township clerk, provided that

Petition for prohibition of liquor traffic in townships.

Special election to be held.

Notice and conduct of election.

Record of result of election; its value as evidence.

it shows or states that a majority was against the sale, shall be prima facie evidence that the selling, furnishing, giving away or keeping a place, if it took place from and after thirty days from the day of the holding of said election was then and there prohibited and unlawful. [85 v. 55.]

Ballots to be
voted at such
election.

When the
traffic in any
township shall
be unlawful.

Penalty for
carrying on
such prohibit-
ed traffic.

Manufacture
and sale of
cider or na-
tive wine;
registered
druggists.

(4364-25.) SEC. 2. Persons voting at any election held under the provisions of this act, who are opposed to the sale of intoxicating liquors as a beverage shall have written or printed on their ballots, "Against the sale;" and those who favor the sale of such liquors shall have written or printed on their ballots, "For the sale;" and if a majority of the votes cast at such election shall be "Against the sale," then from and after thirty days from the day of the holding of said election, it shall be unlawful for any person within the limits of such township and without the limits of such municipal corporation to sell, furnish or give away any intoxicating liquors to be used as a beverage, or to keep a place where such liquors are kept for sale, given away or furnished; and whoever sells, furnishes or gives away any intoxicating liquors as a beverage, or keeps a place where such liquors are kept for sale, given away or furnished, shall be fined not more than five hundred dollars, nor less than fifty dollars, and imprisoned in the county jail not exceeding six months; but nothing in this section shall be construed so as to prevent the manufacture and sale of cider, or sale of wine manufactured from the pure juice of the grape, cultivated in this state, nor to prevent [a] legally registered druggist from selling or furnishing pure wines or liquors for exclusively known medicinal, art, scientific, mechanical, or sacramental purposes; but this provision shall not be construed to authorize the keeping of a place where wine, cider or other intoxicating liquors are sold, kept for sale, furnished or given away as a beverage. [85 v. 55.]

MUNICIPAL LOCAL OPTION.

Closing of sa-
loons on
Sunday.

Hotels and
eating houses.

SEC. 4364-20. That the sale of intoxicating liquors, whether distilled, malt or vinous, on the first day of the week, commonly called Sunday, except by a regular druggist on a written prescription of a regular practicing physician for medical purposes only, is hereby declared to be unlawful, and all places where such intoxicating liquors are on other days sold or exposed for sale, except regular drug stores, shall on that day be closed, and whoever makes any such sales, or allows any such place to be open or remain open on that day shall be fined in any sum not exceeding one hundred dollars and not less than twenty-five dollars for the first offense, and for each subsequent offense shall be fined not more than two hundred dollars or be imprisoned in the county jail or city prison not less than ten days and not exceeding thirty days, or both. In regular hotels and eating houses the word "place" herein used shall be held to mean the room or part of room where such liquors are usually

sold or exposed for sale and the keeping of such a room or part of room securely closed shall be held, as to such hotels and eating houses as a closing of the place, within the meaning of this section. And any municipal corporation shall have full power to regulate the selling, furnishing or giving away of intoxicating liquors as a beverage and places where intoxicating liquors are sold, furnished or given away as a beverage, except as provided for in section 4364-20c of this act. [95 v. 87.]

Municipal
regulation.

SEC. 4364-20a. That whenever forty per cent. of the qualified electors of any municipal corporation shall petition the council thereof for the privilege to determine by ballot whether the sale of intoxicating liquors as a beverage shall be prohibited within the limits of such municipal corporation, such council shall order a special election to be held in not less than twenty nor more than thirty days from the filing of such petition with the mayor of the municipal corporation or from the presentation of such petition to said council, which said petition shall be filed as a public document with the clerk of the municipality, and preserved for reference and inspection and which election shall be held at the usual place or places for holding municipal elections, and notice shall be given and the election conducted in all respects as provided by law for the election of members of the council of the corporation, so far as said law may be applicable. The result of such election shall forthwith be entered upon the record of the proceedings of the council of the corporation by the clerk thereof, and in all trials for violation of this act, the original entry of the record, or a copy thereof certified by the clerk of the corporation, provided that said record shows that a majority of the votes cast at said election was against the sale of intoxicating liquors as a beverage, shall be prima facie evidence that the selling, furnishing or giving away of intoxicating liquors as a beverage or the keeping of a place where such liquors are sold, kept for sale, given away or furnished, if such selling, furnishing or giving away or keeping such place occurred after thirty days from the day of holding the election, was then and there prohibited and unlawful. [95 v. 87.]

Petition for
election.

Special
election.

Notice and
conduct of
election.

Record of
result of
election; its
value as evi-
dence.

SEC. 4364-20b. The ballots at any special election, held under the provisions of this act, shall be printed with an affirmative and a negative statement, to-wit: "The sale of intoxicating liquors as a beverage shall be prohibited," "The sale of intoxicating liquors as a beverage shall not be prohibited," with a blank space on the left side of each statement in which to give each elector an opportunity to clearly designate his choice by a cross mark as follows:

Ballots to be
voted at the
election.

[.....] The sale of intoxicating liquors as a beverage
shall be prohibited.

[.....] The sale of intoxicating liquors as a beverage
shall not be prohibited.

When sale shall be unlawful.

And if a majority of the votes cast at such election shall be in favor of prohibiting the sale of intoxicating liquors as a beverage, then from and after thirty days from the date of holding said election it shall be unlawful for any person, personally or by agent, within the limits of such municipal corporation to sell, furnish or give away any intoxicating liquors to be used as a beverage, or to keep a place where such liquors are kept for sale, given away or furnished, for beverage purposes, and whoever from and after the thirty days aforesaid in any manner directly or indirectly, sells, furnishes, or gives away, or otherwise deals in any intoxicating liquors as a beverage, or keeps or uses a place, structure or vehicle, either permanent or transient for such selling, furnishing or giving away or in which or from which intoxicating liquors are sold, given away or furnished or otherwise dealt in as aforesaid, shall be guilty of a misdemeanor, and shall on conviction thereof, be fined not more than two hundred dollars nor less than fifty dollars for the first offense, and shall for a second offense be fined not more than five hundred dollars nor less than one hundred dollars, and for any subsequent offense be fined not less than two hundred dollars and be imprisoned not more than sixty days and not less than ten days. But nothing contained in any of the sections of this act shall in any manner affect the right of any manufacturer of intoxicating liquors from the raw material, to sell, deliver and furnish his product in wholesale quantities to bona fide retail dealers trafficking in intoxicating liquors, or in wholesale quantities to any party or parties residing outside of the limits of said municipality. [95 v. 88.]

Penalty for making such prohibited sale.

Manufacturers may sell at wholesale to retail dealers.

Meaning of phrase "intoxicating liquors."

Regular Druggist may sell.

SEC. 4364-20c. The phrase "intoxicating liquors" as used in this act shall be construed to mean any distilled, malt, vinous or any other intoxicating liquors; but nothing in this act shall be construed to prevent the selling of intoxicating liquors at retail by a regular druggist for exclusively known medicinal, pharmaceutical, scientific, mechanical or sacramental purposes; and when sold for medicinal purposes it shall be sold only in good faith upon written prescription issued, signed and dated in good faith by a reputable physician in active practice and the prescription used but once. The words "giving away" where they occur in this act shall not apply to the giving away of intoxicating liquors by a person in his private dwelling, unless such private dwelling is a place of public resort. [95 v. 89.]

Rebate of Dow tax when sale discontinued.

SEC. 4364-20d. When any person, company or corporation has discontinued such traffic in accordance with the provisions of this act, within the time specified by section 4364-20a of this act, has paid or is charged upon the tax duplicate with an assessment upon such traffic, the county auditor, upon being satisfied of such fact, shall issue to such person, company or corporation, a refunding order of an amount proportionate to the unexpired time for which said assessment has been paid. [95 v. 89.]

SEC. 4364-20e. The petition for an election provided for in section 4364-20a of this act shall be deemed sufficient and the council shall order such an election when the petition is signed by as many qualified electors as shall equal in number forty per cent. of the number of votes cast in said municipal corporation at the last preceding general election in municipalities which are divided into wards; and in all other municipalities, forty per cent. of the qualified electors at the last preceding municipal election, and in indictments, affidavits, or informations for violation of this act it shall not be necessary to set forth the facts showing that the required number of electors in the municipal corporation petitioned for an election, that the election was held, or that the majority voted in favor of prohibiting the sale as herein provided. But it shall be sufficient to state that the act complained of was then and there prohibited and unlawful. [95 v. 90.]

What constitutes 40 per cent of qualified voters.

SEC. 4364-20f. The following shall be deemed a sufficient entry and record of the result of an election held under the provisions of this act as required by sections 4364-20a and 4364-20b.

Entry and record of election.

The State of Ohio, County of municipal corporation of

The special election held on the day of, A. D., ..., within and for the (municipal corporation of) under the local option law resulted as follows:

Whole number of votes "for the sale of intoxicating liquors as a beverage"

Whole number of votes "against the sale of intoxicating liquors as a beverage"

Clerk of

[95 v. 90.]

Sec. 4364-20g. Money received from fines and forfeited bonds collected under the provisions of this act shall be paid into the treasury of the municipal corporation wherein said fine was imposed or bond forfeited, and shall be applied to such fund or funds as the council of the said corporation may direct. [95 v. 90.]

Disposition of fines.

Sec. 4364-20h. At any time after two years from the date of an election held under the provisions of section 4364-20a of this act another election may be petitioned for and shall be ordered as provided for in section 4364-20a. [95 v. 90.]

Another election may be ordered; when.

SEC. 4364-20i. Any person being a qualified elector of any municipal corporation wherein an election shall have been held as provided for in this act may contest the validity of such election by filing a petition duly verified with the probate court of the county in which such municipal corporation is situated, within ten days after the election, setting forth the grounds for contest.

Contest of election in probate court.

Mayor shall
be summoned.

The probate judge, upon the filing of such petition, shall forthwith issue a summons, addressed to the mayor of such municipal corporation, notifying him of the filing of such petition and directing him to appear in said court on behalf of said municipal corporation, at a time named in the summons, which time shall be not more than twenty days after the election nor less than five days after the filing of such petition.

Method of
procedure.

The probate judge shall have final jurisdiction to hear and determine the merits of the proceedings, and in other respects in the procedure of the hearing he shall be governed by the law providing for the contesting of an election of a justice of the peace so far as such law is applicable. The probate court shall require the person or persons contesting the election to furnish sufficient security for costs before said petition is filed. [95 v. 90.]

Repeal and
saving clause
for ordi-
nances.

Sec. 2. That section 4364-20 of the Revised Statutes of Ohio be and the same is hereby repealed, but an ordinance passed by a municipal corporation under the authority given in said section prohibiting places where intoxicating liquors are sold at retail shall remain in full force and effect until thirty days after an election has been held in accordance with the provisions of section 4364-20a of this act. An ordinance passed by a municipal corporation under the authority given in said section regulating places where intoxicating liquors are sold at retail, shall remain in full force and effect until said ordinance is repealed or amended under the authority granted in section 4364-20 of this act. [95 v. 89.]

RESIDENCE DISTRICT MUNICIPAL LOCAL OPTION.

Petition for
an election to
prohibit sale
of intoxicating
liquor in resi-
dence district.

Special elec-
tion to be
held.

Petition first
filed shall
have preced-
ence.

Notice and
conduct of
election.

SECTION I. Whenever forty per cent. of the qualified electors of any residence district of any municipal corporation shall petition the mayor of such municipal corporation, or a common pleas judge of the county for the privilege to determine by ballot whether the sale of intoxicating liquor as a beverage shall be prohibited within the limits of such residence district, such mayor or common pleas judge shall order a special election to be held in not less than twenty and not more than thirty days from the filing of such petition with the mayor of the municipal corporation or common pleas judge of the county. When two or more petitions are filed and pending, each containing common territory, the election shall be ordered for the residence district described in the petition first filed. Such election shall be held at the usual place or places for holding municipal elections in said residence district, if there be such place or places, and, if not, at such a place as the mayor or judge may direct within said residence district and notice shall be given and the election conducted in all respects as provided by law for

the election of members of the council of said corporation, so far as said law may be applicable. At such election, only duly qualified electors residing within the residence district shall be entitled to vote; in municipal corporations having registration, only registered voters shall be entitled to vote, and, the election shall be conducted by the regular judges and clerks of election, and the county board of deputy state supervisors of election shall designate and notify the judges and clerks of election, and shall furnish the ballots and supervise the election upon notice being given to them by the mayor or judge who orders the election to be held; such mayor or judge shall notify the county board of deputy state supervisors of election forthwith after ordering the election. The result of such election shall be certified by the judges and clerks of such election and sent forthwith to the clerk of the council, or the clerk of the municipal corporation of which the district is a part, and the clerk shall enter forthwith the record of the result of the election upon the record of the proceedings of the council of said corporation and in all trials for violations of this act the original entry of said record, or a copy thereof, certified by the clerk of said council or corporation provided it shows that a majority of votes cast at such election were against the sale of intoxicating liquor as a beverage, shall be prima facie evidence that the selling, furnishing or giving away of intoxicating liquor as a beverage, or the keeping of a place where such liquors are sold, kept for sale, furnished or given away, if such selling, furnishing or giving away of intoxicating liquors as a beverage, or, the keeping of a place where intoxicating liquors were sold, furnished or given away as a beverage, occurred after thirty days from the day of holding such election, was then and there prohibited and unlawful. [97 v. 87.]

Who qualified to vote.

Record of result of election; its value as evidence.

Section 2. The ballots at any special election held under the provisions of this act shall be printed with an affirmative and negative statement, to-wit, "The sale of intoxicating liquors as a beverage shall be prohibited," "The sale of intoxicating liquors as a beverage shall not be prohibited," with a blank space on the left side of each statement in which to give each elector a clear opportunity to designate his choice by a cross mark as follows:

Ballots to be voted at such election.

() The sale of intoxicating liquors as a beverage shall be prohibited.

() The sale of intoxicating liquors as a beverage shall not be prohibited.

And if the majority of the votes cast at such election shall be in favor of prohibiting the sale of intoxicating liquors as a beverage, then, from and after thirty days from the date of holding said election it shall be unlawful for any person, personally or by agent, within the limits of such residence district of such municipal corporation to sell, furnish or give away any intoxicating liquors to be used as a beverage, or to keep a place where such liquors are kept for

When the sale in a residence district shall be unlawful.

Penalty for making such prohibited sale.

sale, given away or furnished for beverage purposes, and whoever from and after thirty days aforesaid in any manner, directly or indirectly, sells, furnishes or gives away or otherwise deals in any intoxicating liquors as a beverage or keeps or uses a place, structure or vehicle, either permanent or transient for selling, furnishing or giving away or in which or from which intoxicating liquors are sold, given away or furnished or otherwise dealt in as aforesaid, shall be guilty of a misdemeanor, and shall on conviction thereof be fined not more than two hundred dollars nor less than fifty dollars for the first offense, and shall for any subsequent offense be fined not more than five hundred dollars nor less than one hundred dollars and the court on conviction for a second or subsequent offense shall order the place where such liquor is sold, furnished or given away for beverage purposes, to be abated as a nuisance or shall order the person convicted for such subsequent offense to give bond payable to the municipal corporation in the sum of one thousand dollars with sureties to the acceptance of the court that he will not sell, furnish, or give away any intoxicating liquor as a beverage in said residence district in violation of law. [97 v. 88.]

What petition to contain.

Section 3. A petition for an election under the provisions of this act substantially as follows shall be sufficient
A petition to determine whether the sale of intoxicating liquors as a beverage shall be prohibited in the following residence district, to-wit
in the municipal corporation of of the state of Ohio.

To Date
We, the undersigned respectfully represent that we are qualified electors of the following residence district, to-wit, ...in the municipal corporation of county of state of Ohio, and that we hereby request you to order an election to determine whether the sale of intoxicating liquors as a beverage shall be prohibited in said residence district. [97 v. 88.]

Meaning of phrase "intoxicating liquor."

Regular druggists.

Section 4. The phrase "intoxicating liquor" as used in this act shall be construed to mean any distilled, malt, vinous or any intoxicating liquors by whatever name the same shall be known; but nothing in this act shall be construed to prevent the selling of intoxicating liquors at retail by a regular druggist for exclusively known medicinal, pharmaceutical, scientific or sacramental purposes; and when sold for medicinal purposes it shall be sold only in good faith upon a written prescription issued, signed and dated in good faith by a reputable physician in active practice and the prescription used but once. And nothing contained in any of the sections of this act shall in any manner affect the right of any manufacturer of intoxicating liquors from the raw material, to sell, deliver and furnish his product in wholesale quantities to bona fide retail dealers trafficking in intoxicating liquors, or in wholesale quantities to any party or parties residing

Manufacturer may sell at wholesale to retail dealers.

outside the limits of said district, nor of any dealer delivering intoxicating liquors to bona fide residences in such district, nor of any bona fide wholesale dealer in said district to sell or deliver intoxicating liquors in wholesale quantities to customers outside of said district.

The words "giving away" where they occur in this act shall not apply to the giving away of intoxicating liquors by a person in his private dwelling unless such private dwelling is a place of public resort.

The phrase "residence district" as used in this act, shall be construed to mean any clearly described, contiguous, compact section or territory in a municipal corporation bounded by street, corporation, or other well recognized lines or boundaries and containing not fewer than three hundred qualified electors, nor more than two thousand qualified electors; and such district shall not contain any block in which one-half or more of the foot frontage of such block is occupied by buildings and premises actually devoted to commercial, manufacturing, mercantile or other business purposes not including saloons; provided, however, that in determining the total foot frontage referred to herein, property occupied by saloons shall not be counted as either business or residence property; and further such residence district shall not contain the property or premises abutting on a street lying between two consecutive cross or intersecting streets, from street to street, or extending for a distance of not less than five hundred feet along such street on which said premises abut, whenever fifty-five per cent. of the foot frontage of such abutting property is occupied for and devoted to manufacturing, mercantile or other business purposes, not including saloons; provided, however, that in determining the total foot frontage referred to herein, property occupied by saloons shall not be counted as either business or residence property; and on the opposite side of said portion of said street on which said property abuts, fifty-five per cent. of the foot frontage abutting thereon is occupied for and actually devoted to manufacturing, mercantile or other business purposes, not including saloons; provided, however, that in determining the total foot frontage referred to herein, property occupied by saloons shall not be counted as either business or residence property.

Meaning of
phrase "resi-
dence dis-
trict."

Parks in residence districts and property devoted to educational, religious or charitable uses, shall, for the purpose of this act, be held to be occupied for residence purposes; while public property devoted to other than the above specified uses, shall, for like purposes, be deemed to be occupied for business purposes. When but one side of said portion of said street is adaptable for residence or business purposes, then such side of such portion of such street shall determine whether the property abutting on both sides of such street be counted as business or residence property.

The term "block" shall be construed to mean the territory bounded by four well-recognized adjacent streets and

Meaning of
term "block."

not alleys. The term "saloon" shall mean any place where intoxicating liquor is sold and trafficked in as a beverage. [97 v. 89.]

Entry and record of result of election held under this act.

Section 5. The following shall be deemed a sufficient entry and record of the result of an election held under the provisions of this act:

The State of Ohio, county of, municipal corporation of

The special election held on the day of, A. D., within and for the following residence district, to-wit, ... in the municipal corporation of, under the residence district local option law resulted as follows:

Whole numebr of votes against the sale of intoxicating liquors as a beverage, ...

Whole number of votes against the sale of intoxicating liquors as a beverage, ...

., Clerk.

In all cities having a city board of elections, the election provided for in this act shall be conducted by such board and the mayor or judge shall notify such board of the election, instead of the county board of deputy state supervisors of election, and when any election has been ordered, as provided in this act, the mayor of the municipal corporation shall issue a proclamation of the election to the voters of such residence district. [97 v. 90.]

What territory controlled by result of election.

Section 6. The territory enclosed by the boundary of any residence district within which the sale of intoxicating liquors has been prohibited, as provided for in section 1 of this act, shall be controlled by the result of such action, and the law shall remain in full force and effect in said territory for two years and thereafter until another petition is presented under the provisions of this act in said residence district, or in a residence district in which the whole or part of said residence district has been incorporated by petition and by vote, as herein provided. [97 v. 91.]

Rebate of Dow tax when sale discontinued.

Section 7. Whenever any person, company or corporation engaged in such traffic that has discontinued such traffic within the time specified by section 1 of this act, has paid or is charged upon the tax duplicate with an assessment upon such traffic, the county auditor upon being satisfied of such fact, shall issue to each person, company or corporation a refunding order of an amount proportionate to the unexpired time for which said assessment has been paid or is charged. [97 v. 91.]

What constitutes forty per cent. of the qualified electors.

Section 8. The petition for an election provided for in this act shall be deemed sufficient and the mayor or judge shall order such election when the petition is signed by as many qualified electors as shall equal in number forty per cent. of the number of votes cast in said residence district at the last preceding general election; in municipalities which do not have registration of voters, the petition shall be deemed sufficient when it contains forty per cent. of the

qualified electors residing in such residence district at the time of filing the petition and in indictments, affidavits, or informations for violation of this act, it shall not be necessary to set forth the facts showing that the required number of electors in the municipal corporation or residence district thereof petitioned for an election, that the election was held and that the majority voted in favor of prohibiting the sale as herein provided. But it shall be sufficient to state that the act complained of was then and there prohibited and unlawful. [97 v. 91.]

Sufficiency of
indictments
under this act.

Section 9. At any time after two years from the date of an election held under the provisions of this act, but not before, another election may be petitioned for and shall be ordered by the mayor or common pleas judge as provided for in this act. But nothing contained in the provisions of this act shall affect, amend or repeal or alter in any way any other law or ordinance which prohibits throughout the municipality the selling, furnishing or giving away of intoxicating liquor as a beverage or the keeping of a place where intoxicating liquor is sold, furnished or given away as a beverage. [97 v. 91.]

Another elec-
tion may be
held; when.

Section 10. Money received from fines and forfeited bonds collected under the provisions of this act shall be paid into the treasury of the municipal corporation wherein said fine was imposed or bond forfeited and shall be applied to such funds as the council of said corporation may direct. [97 v. 91.]

Disposition of
fines.

Section 11. Any person being a qualified elector of any residence district of any municipal corporation wherein an election shall have been held as provided for in this act may contest the validity of such election by filing a petition duly verified with the probate court of the county in which such residence district is situated, within ten days after the election, setting forth the grounds for contest. The probate judge, upon the filing of such petition, shall forthwith issue a summons addressed to the mayor or such municipal corporation notifying him of the filing of such petition and directing him to appear in said court on behalf of said residence district at a time named in the summons, which time shall not be more than twenty days after the election nor less than five days after the filing of such petition. The probate judge shall have final jurisdiction to hear and determine the merits of the proceedings, and in other respects in the procedure of the hearing, he shall be governed by the law providing for the contesting of an election of a justice of the peace so far as such law is applicable. The probate court shall require the person or persons contesting the election to furnish security for costs before said petition is filed. Any qualified elector of such residence district may appear in person, or by attorney, in such contested election case in defense of the validity of the election. [97 v. 92.]

Contest of
election in
probate
court.

Mayor shall
be summoned.

Method of
procedure.

SCHOOL ELECTIONS.

School officers; election and beginning of term.

Sec. 2. All elections for school directors, members of boards of education and school councils provided for by any general or special laws of the state shall likewise be held on the first Tuesday after the first Monday in November, and the terms of all such officers respectively, shall begin on the first Monday in January after their election. And all such officers now holding office and hereafter elected shall hold their offices until their successors are elected and qualified. [97 v. 40.]

General election laws to govern in school elections.

(3970-10) Sec. 1. The election of members of boards of education shall be governed and controlled by the general election laws of the state. There shall be separate poll-books and tally-sheets used for all elections for school purposes, and the ballots of the electors at said elections shall be deposited in a separate ballot-box. In city school districts the ballots for each subdistrict shall contain the names of the candidates for member of the board of education from such subdistrict and also the names of the candidates to be elected at large. Returns of all school elections shall be made to the clerk of the board of education not less than five days after the election, and it shall be the duty of the board of education to canvass said returns at a meeting to be held on the second Monday after the election, and the result thereof shall be entered upon the records of the board; in case of a tie vote, the same shall be decided by said board of education, by lot. [97 v. 354.]

Publication of notice of school elections.

(3970-11) Sec. 2. The clerk of each board of education shall publish a notice of all school elections in a newspaper of general circulation in the district, or post written or printed notices of said elections in five public places in the district, at least ten days before the holding of the same, which notices shall specify the time and place of such election and the number of members of the board of education to be elected and the term for which they are to be elected, or the nature of the question to be voted upon. [97 v. 354.]

Women may vote and be voted for at certain school elections.

(3970-12) Sec. 3. Every woman born in the United States, or who is a wife or daughter of a citizen of the United States, who is over twenty-one years of age and possesses the necessary qualifications in regard to residence, as is provided for men, shall be entitled to vote, and to be voted for, for member of the board of education and upon no other question. The law relating to registration shall apply to women upon whom the right to vote is conferred, but the names of such women may be placed on a separate list. [97 v. 354.]

Registration.

CITY SCHOOL DISTRICTS.

Board of education in city districts; how constituted and elected.

Sec. 3897. In city school districts the board of education shall consist of not less than two members nor more than seven members elected at large, by the qualified electors of the school district, and of not less than two members nor

more than thirty members elected from subdistricts by the qualified electors of their respective subdistricts; provided that in city school districts which at the last preceding federal census contained a population of less than fifty thousand persons, the board of education shall consist of not less than three members nor more than seven members elected at large, by the qualified electors of such city school districts.

Not later than the first day of July next, after the passage of this act, the present city school board, board of education, school council or other city school legislative body, shall pass a resolution fixing, within the limits prescribed by this act, the number of members of said board of education to be elected at large, and in city school districts where there are members of the board of education to be elected from subdistricts, they shall also, at the same time, fix the number of members of the board of education to be elected by such city subdistricts. The said city school board, board of education, school council or other city school legislative body, in city school districts where there are members of the board of education to be elected from subdistricts, shall, at the same time, to-wit: Before the first day of July next, after the passage of this act, subdivide said city school district into subdistricts equal in number to the number of members of the board of education in said city school district who are to be elected from subdistricts therein established.

Said subdistricts shall be bounded as far as practicable by corporation lines, streets, alleys, avenues, public grounds, canals, watercourses, ward boundaries, voting precinct boundaries or present school district boundaries, and shall be as nearly equal in population as possible, and shall be composed of adjacent and as compact territory as possible. The lines of said subdistricts so fixed shall not be changed until after each succeeding federal census.

Within three months after the official announcement of the result of each succeeding federal census the board of education of each city school district shall redistrict the said city school district into subdistricts in accordance with the provisions of this act.

If the city school board of education, school council, or other city school legislative body shall fail to district or redistrict said city school district as herein required, at the time or times herein specified, then and in that event, upon the application of the president of the board of education, the state commissioner of common schools shall, subject to the requirements of this act, forthwith district, or redistrict said city school districts.

Provided also, that school subdistricts shall be numbered from one up, consecutively, and that at the first election for members of the board of education held after the passage of this act, the members to be elected to the board of education from subdistricts of odd numbers beginning with one, shall be elected for two years, and those elected from subdistricts of even numbers shall be elected for four years, and at the expiration of their respective terms their successors

shall be elected for a term of four years; and provided further, that at the said first election the members of the board of education at large in all city school districts shall be elected for terms as follows:

If there be but two members of the board of education elected at large, one shall be elected for two years and one for four years, and if there be more than two, and the number thereof divisible by two, the one-half of such board shall be elected for two years and one-half for four years but if the whole number of members elected at large be not divisible by two, then the number to be elected for two years shall be the quotient obtained by dividing the whole number to be elected at large, less one, by two, and the remaining members shall be elected for four years.

At the expiration of their respective terms their successors shall be elected for four years. Members elected at large must be electors of the city school district, and members elected from subdistricts must be electors of the city subdistricts from which they are chosen, or of the territory attached to the subdistrict for school purposes; a removal from said subdistricts, territory or city school district shall vacate said office.

The number of members of the board of education shall not be changed, except at the time of the redistricting herein provided for, within three months after the official announcement of the result of the federal census.

All members of boards of education of city school districts, herein provided for shall be elected at the same time and in the same manner as municipal officers are elected. [97 v. 338.]

Organization
of city board.

Sec. 3897a. Boards of education in city school districts shall organize on the first Monday in January after the election held for members of the board of education by the election of one of their members as president and the election of a clerk, who may or may not be a member of the board, the president to be elected for one year and the clerk to be elected for a term not to exceed two years; they shall fix the time of holding regular meetings. Upon the organization of the first boards of education elected under this act, the previously existing boards of education are thereby abolished and said newly elected boards shall be their successors in all respects. Not less than fifteen days before the election of members of boards of education, nominations of candidates therefor may be made by nomination papers, signed in the aggregate for each candidate by not less than twenty-five qualified electors of either sex of the school district, except that in city school districts such nomination papers shall be signed by petitioners not less in number than one for every one hundred persons who voted at the next preceding general election in such city; and whenever each of such candidates shall be so nominated and his or their names shall be presented to the county board of deputy state supervisors of elections of the

Nomination
of candidates
for member of
board.

county in which such district is situated not less than fifteen days prior to the ensuing election, the said board of deputy state supervisors of elections shall publish on two different days prior to such election the names of such candidates in two newspapers of opposite politics in the school district, if there be such printed and published therein, or, if no newspaper is printed therein, by posting such list of names in at least five public places in the school district. [97 v. 340.]

Sec. 3898. When territory is attached to a city school district for school purposes, it shall be the duty of the board of education to assign such territory to the subdistrict or subdistricts adjoining the same, and a map showing such assignment shall be made a part of the record of the board; the electors residing in said attached territory shall be entitled to vote for school officers and on all school questions in the subdistrict to which they are assigned, and in the election precinct nearest their residence; and in case the board fails to perform this duty, the electors residing in said attached territory, shall be entitled to vote in the subdistrict and precinct nearest their residence. An elector residing in the city, but not in the city school district, shall not be entitled to vote in said city school district. [97 v. 340.]

Where elector residing in territory attached to city for school purposes entitled to vote on school questions.

Sec. 3900. The redistricting of a city school district shall not affect the membership of the then existing board of education in said city school district; all the members thereof shall continue to serve for the full term for which they were elected, but after the expiration of said terms the election of members of the board of education from subdistricts shall be by the subdistricts as redistricted. [97 v. 341.]

Redistricting of city school district shall not affect the then existing board.

VILLAGE SCHOOL DISTRICTS.

Sec. 3908. The board of education of village school districts shall consist of five members elected at large at the same time and in the same manner as municipal officers are elected, for the term of four years from the first Monday in January after their election or until their successors are elected and qualified. At the first municipal election held after the passage of this act there shall be a board of education elected in all village districts as provided for herein, two to serve for two years, and three to serve for four years, and at the municipal election held every second year thereafter, their successors shall be elected for the term of four years. Upon the organization of said boards, upon the succeeding first Monday in January after their election, the previously existing village boards of education shall be thereby abolished and the newly elected and organized board shall be their successors in all respects. [97 v. 341.]

Board of education in village districts, how constituted and elected.

Election of board in village not now organized as school district or in newly created village.

Sec. 3909. In all incorporated villages not now organized as school districts and in all villages hereafter created, there shall be a board of education elected as provided for in section 3908 of the Revised Statutes of Ohio; provided, however, that if said election be a special election held in a newly created village, the members elected shall serve for the terms as indicated in said section 3908, from the first Monday in January after the last preceding election for members of boards of education, and the board shall organize on the second Monday after the special election. [97 v. 341.]

Where elector residing in territory attached to village for school purposes entitled to vote on school questions.

Sec. 3910. Electors residing in territory attached to a village school district for school purposes, shall be entitled to vote for school officers and on all school questions, at the regular voting place in the village to which such territory is attached, and should said village be divided into voting precincts, it shall be the duty of the board of education of such village school district to assign such territory to the adjoining precinct or precincts and to have a map prepared showing such assignment, said map to be made a part of the records of the board, and the electors residing in such attached territory shall be entitled to vote in the precinct to which they are assigned, but in case no assignment of territory is made, the elector shall vote in the precinct nearest his residence. An elector residing in a village, but not in a village school district, shall not be entitled to vote in said village school district. [97 v. 341.]

TOWNSHIP SCHOOL DISTRICTS.

Board of education in township districts; how constituted and elected.

Sec. 3915. The board of education of township school districts shall consist of five members elected at large at the same time and in the same manner as the township officers are elected, for the term of four years from the first Monday in January after their election [or] until their successors are elected and qualified. At the first township election held after the passage of this act, there shall be a board of education elected in all township districts as provided for herein, two to serve for two years, and three to serve for four years, and at the township election held every second year thereafter their successors shall be elected for the term of four years. Upon the organization of said boards, upon the succeeding first Monday in January after their election, the previously existing township boards of education shall be thereby abolished and the newly elected and organized board shall be their successors in all respects. [97 v. 342.]

Where elector residing in territory attached to township for school purposes entitled to vote on school questions.

Sec. 3916. Electors residing in territory attached to a township school district for school purposes, shall be entitled to vote for school officers and on all school questions, at the regular voting place in the township to which such territory is attached, and should such township be divided into different voting precincts, it shall be the duty of the

board of education of the township district, to assign such attached territory to the adjoining precinct or precincts; if territory is attached to more than one precinct, a map shall be prepared showing such assignment and said map shall be made a part of the records of the board of education, and electors shall be entitled to vote according to such assignment, but in case no assignment of territory is made, the electors shall vote in the precinct nearest to their residence. An elector residing in the township, but not in the township school district, shall not be entitled to vote in said township school district. [97 v. 342.]

SUBDISTRICT SCHOOL DIRECTOR.

Sec. 3921a. In all township districts the schools of which are not centralized or consolidated there shall be elected by ballot on the second Monday of April, 1905, and annually thereafter in each subdistrict, by the qualified electors thereof, one competent person, having the qualifications of an elector therein to be styled director. In all cases of tie votes at an election for director the judges of election shall decide the election by lot; and in other cases of failure to elect directors or in case of a refusal to serve, or in case where vacancies exist from any cause, the township board of education shall appoint a director for such subdistrict. The director of each subdistrict shall post written or printed notices in three or more conspicuous places in his subdistrict at least six days prior to the election, designating the day and hour of opening, and the hour of closing the election. The election shall be held at the schoolhouse in the subdistrict. The meeting shall be organized by appointing a chairman and secretary, who shall act as judges of the election under oath or affirmation, which oath or affirmation may be administered by the director of the subdistrict, or any other person competent to administer such an oath or affirmation, and the secretary shall keep a poll-book and tally-sheet, which shall be signed by the judges, and delivered within eight days to the clerk of the township board of education. The qualified electors of the subdistrict may hold other meetings at any time upon the call of the director or of any five electors. Five days' notice shall be given of such meetings by posting notices in five public places in the vicinity. The director of each subdistrict shall preside at the school meetings of the district, record their proceedings, and shall act as the organ of communication between the inhabitants and the township board of education. He shall take charge of the schoolhouse and property belonging thereto under the general order and direction of the township board of education and preserve the same and when so ordered by the board shall make all temporary repairs of the schoolhouse, furniture and fixtures, and provide the necessary fuel for the

School director; election, powers and duties.

school, reporting the cost thereof to the board of education for payment. The director of each subdistrict shall take the enumeration of his subdistrict and return the same to the clerk of the township board of education in the manner prescribed by law. [97 v. 343.]

CENTRALIZATION.

Submission of
question of
centraliza-
tion.

Sec. 3927-2. A township board of education may submit the question of centralization, and upon the petition of not less than one-fourth of the qualified electors of such township district, must submit such question to a vote of the qualified electors of such township district, and if more votes are cast in favor of centralization than against it, at such election, it shall then become the duty of the board of education, and such board of education is required to proceed at once to the centralization of schools of the township, and if necessary purchase a site or sites and erect a suitable building or buildings thereon; provided, that if, at the said election, more votes are cast against the proposition for centralization than for it, the question shall not again be submitted to the electors of said township district for a period of two years. When the schools of a township have been centralized, such centralization shall not be discontinued within three years thereafter, and then only by petition and election as required herein and if at such election more votes are cast against centralization than for it, the division into subdistricts as they existed prior to centralization, shall be thereby re-established at the next regular election and subdistrict directors shall be elected as provided in section 3921*a* of this act. [97 v. 344.]

Submission of
question of
decentrali-
zation.

SPECIAL SCHOOL DISTRICTS.

Special school
districts; how
composed and
created.

Sec. 3928. A special school district may be formed of any contiguous territory, not included within the limits of an incorporated city or village, which has a total tax valuation of not less than one hundred thousand dollars. To establish a special school district, a petition signed by not less than ten male citizens who are electors of the proposed special district shall be filed in the office of the probate judge of the county in which such special district is situated or if said district is situated in two or more counties, then with the probate judge of the county having the greatest total tax valuation in said proposed district; said petition shall set forth the desires of the petitioners, shall contain a description of the territory to be included in the proposed special district, and shall be accompanied by a statement giving the total tax valuation of said territory certified to by the county auditor or auditors and also an accurate map of the territory to be included in said district, the same to be prepared to the

satisfaction of the probate judge; said petition shall also be accompanied by an undertaking of one or more of the petitioners, with security to the satisfaction of the judge, in the sum of one hundred dollars, conditioned that the parties entering into the undertaking shall pay all the costs of the proceedings if a special school district is not created, and in such case the probate judge shall render judgment against the parties to the undertaking for all the costs of the proceedings. In case the petition is granted the costs shall be taxed against the special school district thereby authorized and shall be paid by the board of education of said special school district, thereafter elected, from any funds that may come into its possession. A remonstrance signed by one or more of the male citizens who are electors of the proposed district may be filed with the probate judge and shall be considered on the hearing of the petition. Nothing herein contained shall be so construed as to abolish any special school district now existing, but all such districts whether created under the provisions of a general or special act, including the territory now constituting such special district, shall, unless changed under the provisions of this chapter, continue to be and remain and be recognized and regarded as legal special school districts, excepting, however, such special school districts which do now or may hereafter include within their boundaries an incorporated city or village, and in such cases such special district shall become a city or village school district with or without territory attached or detached, as the case may be. And all officers and members of boards of education of existing special school districts heretofore created, whether by special or general act, shall continue to hold and exercise their respective offices and the powers thereof, until their successors are elected and qualified as provided herein; provided that all such officers of such districts created by special act shall hold such offices only until the first Monday of January following the first election for school officers to be held after the passage of this act, at which election their successors shall be elected.

[97 v. 345.]

Special districts now existing shall continue; exception.

Officers of existing special school districts shall hold till their successors are elected and qualified.

Sec. 3930. The board of education of special school districts shall consist of five members elected at large at the same time and in the same manner as the township officers are elected, for the term of four years from the first Monday in January after their election or until their successors are elected and qualified. At the first township election held after the passage of this act, there shall be a board of education elected in all special districts as provided for herein, two to serve for two years, and three to serve for four years, and at the township election held every second year thereafter, their successors shall be elected for the term of four years. Upon the organiza-

Board of education in special districts; how constituted and elected.

tion of said boards, upon the succeeding first Monday in January after their election the previously existing boards of education of special school districts shall be thereby abolished and the newly elected and organized boards shall be their successors in all respects. [97 v. 346.]

Conduct of elections in special districts.

Sec. 3931. Elections in special school districts shall be held by the regular election officers of the township in which such special districts are situated and if a special district is situated in two or more townships, the election shall be held by the election officers of the different townships for the electors residing in each township respectively. At least twenty days prior to the first election held under this act, it shall be the duty of the clerk of the board of education of each special school district to notify the deputy supervisors of elections of the county in which the district is situated, or if said district be in two or more counties, he shall notify the deputy supervisors of each county, of the names of the voting precincts having territory in such special school district, and the probable number of electors in each precinct, in order that said deputy supervisors shall be enabled to prepare ballots and election supplies and distribute the same to the proper precincts, and in each precinct there shall be separate ballots, ballot-boxes, poll-books and tally-sheets for each school district having voters therein. [97 v. 346.]

Mass meeting to fix time for holding first election in special district.

Sec. 3932. When a special school district is created, a mass meeting of the electors in such district shall be called by the posting of notices in five public places in the district setting forth the time and place of said meeting and signed by at least three electors of the district. The electors assembled at said meeting shall elect a chairman and secretary and fix the time for holding the first election for members of the board of education, the time so fixed shall not be within twenty-five days of the time of holding said mass meeting. The chairman and secretary of said meeting shall immediately post notices in five public places within the district, giving the date of the election and shall notify the deputy state supervisors of elections as provided in section 3931 of the revised Statutes of Ohio. The board thus elected, shall organize on the second Monday after the election and the term of the members shall be as indicated in section 3930 of the Revised Statutes of Ohio, from the first Monday in January after the last preceding annual election for members of boards of education, or until their successors are elected and qualified. [97 v. 347.]

Election to determine continuance or abandonment of special school district; how conducted.

Sec. 3935. When a petition is signed by not less than one-third of the electors residing within the territory constituting a special school district, whether created under the provisions of a general or special act, praying for the abandonment or continuance of such dis-

trict, shall be presented to the board of education of said district, or when said board shall, by a majority vote of the full membership of the board, decide to submit the question of abandoning or continuing the special school district, it shall be the duty of the board to fix the time of holding said election at either a special or general election and the clerk of the board shall notify the deputy state supervisors of elections, as provided in section 3931 of the Revised Statutes of Ohio, of the date of such election and the nature of the same and said supervisors of elections shall provide for the same. The clerk of the board of education shall also post notices of said election in five public places within the district. If said election be submitted at a special election in a district situated in two or more election precincts, the election shall be held at the precinct nearest the schoolhouse in said special district, by the election officers of the precinct, and all the electors of said district shall vote at said precinct. If the district is situated in two or more counties, the deputy state supervisors of the county in which said nearest election precinct is situated, shall have charge of the election. If said question is submitted at a regular election, it shall be conducted in the same manner as the election of members of the board of education. The ballot shall be in the regular form, but without the circle at the top, and shall have printed thereon "Abandonment of special school district, yes;" "Abandonment of special school district, no;" or "Continuance of special school district, yes;" "Continuance of special school district, no," as the case may be. The expense of said election shall be paid in the same manner as are other school election expenses, and returns of said elections shall be made to the board of education of the special school district and if more votes are cast for abandonment than against it, or against continuance than for it, said boards shall certify the result to the board or boards of education of the township or townships having territory in said special district and the territory of said special district shall thereby revert to the township school district or districts from which it was originally taken, except as hereinafter provided for in the case of indebtedness of the special district. Otherwise said district shall continue to be and remain and be recognized and regarded as a legal special school district as theretofore constituted. The legal title of the property of the special school district shall in the event of abandonment or failure to continue become vested in the board or boards of education of the township or townships in which such property is situated. And the school funds of said special district shall be paid into the treasury of the township district and if said special district be in two or more townships, it shall be divided between them in proportion to the total tax valuation of property in the several districts, but the abandonment of a special school

district shall not be deemed complete until the board of education of said district shall have provided for the payment of any indebtedness that may exist. [97 v. 348.]

VACANCIES.

Vacancies in board of education; how filled.

Sec. 3981. Vacancies in any board of education arising from death, nonresidence, resignation, removal from office, failure of person elected or appointed to qualify within ten days after the organization of the board or of his appointment, removal from the district, or from other cause, shall be filled by the board of education at its next regular or special meeting or as soon thereafter as possible for the unexpired term. A majority vote of all the remaining members of the board can fill any vacancy or vacancies that may exist in said board. [97 v. 355.]

TAXATION, ETC.

Maximum levy.

Sec. 3959. The local tax levy for all school purposes shall not exceed twelve mills on the dollar of valuation of taxable property in any school district, but said levy shall not include any special levy, for a specified purpose, provided for by a vote of the people. A greater tax than is authorized herein may be levied for any or all school purposes if the proposition to make such levy shall have been first submitted, by the board of education, to a vote of the electors of the school district, under a resolution prescribing the time, place and nature of the proposition to be submitted, and approved by a majority of those voting on the proposition; notice of said election must be given by publication of the resolution for three consecutive weeks prior thereto in some newspaper published and of general circulation in the district, or by posting copies thereof in five of the most conspicuous places in the district for a like period, if no such paper is published therein. [97 v. 349.]

Greater tax may be levied if authorized by vote of people.

Notice of election.

Submission of question of bond issue for erection, repairing, etc., of school-house.

Sec. 3991. When the board of education of any school district determines that it is necessary for the proper accommodation of the schools of such district to purchase a site or sites to erect a schoolhouse or houses, to complete a partially built schoolhouse, to enlarge, repair or furnish a schoolhouse, or to do any or all of said things, and that the funds at the disposal of said board or that can be raised under the provisions of section 3994 of the Revised Statutes of Ohio, are not sufficient to accomplish said purpose and that a bond issue is necessary, the board shall make an estimate of the probable amount of money required for such purpose or purposes and at a general election or a special election called for that purpose, shall submit to the electors of the district the question of the issuing of bonds for the amount so estimated; notices of the election required herein shall be given in the manner as provided in section thirty-nine hundred and seventy dash eleven. [97 v. 357.]

(4009-15) Sec. 1. The boards of education of two adjoining township school districts, or of a township district and of a village or special school district situated partially or wholly within the township, may, by a majority vote of the full membership of each of said boards, unite said districts for high school purposes and each board may submit the question of levying a tax on the property in their respective districts, for the purpose of purchasing a site and erecting a building, and may issue bonds, as is provided for in section thirty-nine hundred and [ninety-one,] sixty-one, thirty-nine hundred and [ninety-two,] sixty-two and thirty-nine hundred and [ninety-three] sixty-three of the Revised Statutes of Ohio, but said question of tax levy must carry in both districts before it shall become operative in either. If said boards of education have sufficient money in the treasury to purchase said site and erect said building, or if there is a suitable building in either district owned by the board of education that can be used for a high school building, it shall not be necessary to submit the proposition to a vote, and the boards are authorized to appropriate money from their funds for this purpose. Any high school so established shall be under the management of the board of education of the district in which the schoolhouse is located, and shall be free to all youth of school age within both districts, subject to such rules and regulations as may be adopted by the board of education having control of the school in regard to the qualifications in scholarship requisite for admission, such rules and regulations to be of uniform operation throughout both districts. The funds for the maintenance and support of such high school shall be provided by appropriations from the tuition or contingent funds, or both, of each district, in proportion to the total valuation of property in the respective districts, the same to be placed in a separate fund in the treasury of the board of education having control of the school and paid out by action of said board, but only for the purposes of maintaining said school. [97 v. 359.]

Township high school district, establishment of by boards of education.

Question of tax levy for such purpose must be submitted to vote.

When vote not necessary.

Such high school shall be under control of board of education of district in which schoolhouse is located.

How funds provided.

TURNPIKES.

Questions of
general tax
for turnpikes
must be sub-
mitted to elec-
tors.

Sec. 4763. The commissioner shall not levy any general tax, nor appropriate any money, except so far as may be necessary to pay the expense of preliminary surveys already commenced, or any other liabilities already incurred, to be expended in the construction of such turnpikes, without first submitting to the qualified voters of the county the question as to the policy of constructing such roads by general tax, which submission shall be made at any annual spring or fall election; and the commissioners shall cause public notice of such vote to be given by publication in all the newspapers printed and of general circulation in the county, and also by causing handbills to be posted up, at the usual place of holding elections, in each township and ward throughout the county at least fifteen days prior to such election; provided, that in any county in which such question has heretofore been submitted, under the authority of an act entitled "An act to authorize county commissioners to locate and construct turnpike roads," passed April 30, 1869, and acts amendatory thereto, and in which, at such election, the majority of the votes cast were in favor of such policy, no vote shall again be required to authorize the commissioners to continue such tax and improve roads as provided for in this chapter. [77 v. 161.]

Conduct of
the election.

Sec. 4764. The judges of such election in the several townships and wards in any county in which such question is submitted, and such notice given, as aforesaid, shall open a poll for taking such vote, receive and count the ballots cast, and within three days thereafter return to the auditor of the county a full and correct abstract of the votes, and shall in all respects be governed by the laws regulating general elections, and be entitled to the same compensation for returning the poll-books, which shall be paid out of the county treasury on the order of the auditor; and the poll-books so returned shall, within five days from the day of holding such election, be opened, and the votes counted by the commissioners and auditor of the county, and a correct statement of the result shall be kept by the auditor on file in his office for public inspection. [67 v. 9, § 2.]

Question may
be again sub-
mitted.

Sec. 4765. If at such election a majority of the votes so cast be against the policy of constructing such turnpikes, the commissioners shall not assess any tax for that purpose, but they may, on petition of not less than one hundred taxpayers of the county, again submit the same question at any regular annual election, either in the spring or fall, to the qualified voters of the county, notice of which shall be given and the election conducted in all respects in the manner prescribed in the two preceding sections. [67 v. 9, § 3.]

Effect of an
affirmative
vote.

Sec. 4766. If at any such election a majority be found in favor of the construction of such turnpikes, the commis-

sioners may proceed to levy taxes, issue bonds, and appropriate and expend money in the construction of such turnpike roads, as in their judgment may be necessary to the public convenience and promotive of the public interest.

Sec. 4823. Councils of villages are authorized to levy a tax to construct free turnpike roads, or a part thereof, in counties wherein such villages are situate, and terminating or running through such villages, and for this purpose such councils are authorized to issue the bonds of the villages, payable with legal interest at such times as the councils may deem advisable, and such bonds shall not be sold for less than their par value. [64 v. 54, §2; 64 v. 109, § 1.]

Villages may assist in constructing such roads.

May issue bonds.

Sec. 4824. For the purpose of paying such bonds, and the interest thereon, as the same become due, the councils are authorized to levy a tax upon the taxable property of such villages sufficient for the purpose, not exceeding five mills on the dollar in any year; but such tax shall in no case be levied, nor shall such bonds be issued, until at some regular election, held in such villages, the majority of the qualified electors thereof approve the tax; and in case the amount to be appropriated for any one road does not exceed the sum of five hundred dollars, the councils may appropriate and apply the same in money for said road improvement, out of any money on hand, or funds not otherwise appropriated, without issuing bonds or levying a tax, such appropriation to be made by an ordinance passed for the purpose, specifying particularly the amount, and for what road appropriated. [72 v. 83, § 3.]

Tax to be submitted to electors.

ELECTION PRECINCTS.

Election pre-
cincts; how
composed.

Where elec-
tions to be
held.

Exception.

Division of
wards, town-
ships or pre-
cincts.

Rearrange-
ment, subdi-
vision or com-
bination of
such precincts.

Precincts shall
contain at
least one hun-
dred and
fifty voters;
exception

Notice of pro-
posed change.

Hearing and
determination
of question.

Sec. 2923. Each township, exclusive of the territory embraced within the limits of a municipal corporation shall compose an election precinct, unless such township is divided, according to law, into precincts. Each municipal corporation containing fifty or more voters shall also compose an election precinct, unless such corporation is divided, according to law, into precincts; but if such municipal corporation is situated in two or more townships, the territory of such corporation situated in each township shall constitute at least one election precinct if there are fifty or more voters therein. Each ward of every city shall compose one election precinct, unless such ward is divided, according to law, into precincts. Elections shall be held for every township precinct at such place within the township as the trustees thereof shall determine to be most convenient of access for the voters of such precinct, and for each municipal or ward precinct, at such place as the council of the corporation shall designate. Provided that in registration cities, the deputy state supervisors of elections shall designate such place of holding elections in each precinct. [97 v. 191.]

Sec. 2966-15. In all municipalities where registration is not required, and in townships, when four hundred votes or more have been cast at the last preceding November election in any ward or township, or in any precinct therein, such ward, township or election precinct may, or, when a majority of the voters petition therefor, shall be divided by the deputy state supervisors, as hereinafter provided, into two or more election precincts, so as to limit the number of voters in each ward or precinct to two hundred, as nearly as may be practicable; and from time to time, any or all of such precincts may be rearranged, subdivided, or combined as often as may be deemed necessary or the convenience of the electors and the prompt and correct conduct of the elections may require, provided that no precinct hereafter created shall contain less than one hundred and fifty voters; except that a municipality containing fifty or more voters shall compose at least one voting precinct as provided in Sec. 2923 herein, and in a municipality situated in two or more townships, the part thereof in each township shall compose at least one voting precinct if there are fifty or more voters therein. At least thirty days previous to any election, the officers above named shall give ten days' notice, by publication in two papers of opposite politics published in the county, that the question whether the township, ward or precinct, or precincts, shall be divided, changed or combined, will be considered on a day named in said notice. On said day, or some subsequent day to which the matter may be adjourned, the question of dividing, changing or combining said precinct shall be heard, and if there are no remonstrances against said division, change or combination, they shall declare the

same, and the precincts so established; but if any twelve electors of such precinct remonstrate against such division, change or combination, the matter shall be heard and determined, and such order made for or against such division, change or combination as is deemed proper; provided, that nothing in this section shall be construed to affect the power and duties of boards of deputy state supervisors in reference to the division of election precincts within such cities as provided in section 2926 of the Revised Statutes; provided, further, that the division of any election precinct into two or more subdivisions, as herein provided, shall not be construed as requiring the election of an assessor in each such subdivision, but in all such election precincts subdivided as aforesaid there shall be elected one assessor for each original precinct unless the deputy state supervisors, at the time of the division, shall order that an assessor be elected in each precinct. [97 v. 225.]

Precincts in
registration
cities.

Election of
assessors.

Sec. 2926. In cities in which registration is required as hereinafter provided when five hundred votes or more have been cast at the last preceding election in any ward, or in any precinct in any ward, such ward or election precinct shall be divided by the board of deputy state supervisors of elections of the county, hereinafter provided for, into two or more election precincts, so as to limit the number of votes in each ward or precinct to two hundred and fifty, as nearly as may be practicable. And from time to time thereafter the said board shall rearrange, subdivide or combine precincts, as often as it may deem such action necessary to secure the convenience of electors and the prompt and correct conduct of elections; but no such precinct hereafter created shall contain less than two hundred voters. [97 v. 192.]

Election pre-
cincts in
cities in
which regis-
tration is re-
quired.

SUPERVISORY ELECTION LAWS.

State supervisor of elections, state supervisor and inspector of elections, deputy state supervisors and deputy state supervisors and inspectors of elections.

(2966-1.) Sec. 1. There is hereby created the offices of state supervisor of elections, state supervisor and inspector of elections, deputy state supervisors of elections, and deputy state supervisors and inspectors of elections, with the powers and duties hereinafter prescribed, for the conduct and supervision of the registration of electors, and of elections in this state, except as otherwise provided by law. [97 v. 218.]

State supervisor of elections and state supervisor and inspector of elections.

(2966-2.) Sec. 2. By virtue of his office the secretary of state shall be the state supervisor of elections, and the state supervisor and inspector of elections, and in addition to the duties now imposed upon him by law, shall perform the duties of such offices as defined herein. [97 v. 218.]

Appointments, qualifications and term of deputy state supervisors.

(2966-3.) Sec. 3. On or before the first Monday in August, 1892, such state supervisor shall appoint four deputy state supervisors for each county in this state, who shall be qualified electors of the county for which appointed. For the first appointment, two members shall be appointed for a term of one year, and two for a term of two years from the first Monday in August, 1892. One member so appointed for one year and one for two years, shall be from the political party which cast the highest number of votes at the last preceding November election for governor or secretary of state. The other two members shall be appointed from the political party which cast the next highest number of votes for such officer at said November election. Thereafter except in counties containing cities wherein annual general registration of electors is required by this act, appointments shall be made annually for two deputy state supervisors for each county for the term of two years, which appointments shall be from two political parties which cast the highest and next highest number of votes at the last preceding November election for governor or secretary of state. All vacancies shall be filled and all appointments to new terms made from the political party to which the vacating or outgoing member belongs, unless there be a third political party which cast a greater number of votes in this state than did the party to which the retiring member belonged, at the next preceding November election, in which event the vacancy shall be filled from such third party. Provided, that if the executive committees of the two political parties in the county casting the highest and next highest number of votes in this state at the last preceding November election, recommend qualified persons to the state supervisor at least ten days before the first day of August, then the state supervisor shall appoint the persons so recommended to the number to which

Vacancies.

Recommendation by party executive committees.

such party is entitled; but if no such recommendation is made, the state supervisor shall make the appointments agreeably to the provisions herein contained. Any deputy state supervisor may be removed by the state supervisor for misfeasance or malfeasance in office, or other good and sufficient cause, and if, in filling vacancies caused by removals, no person or persons belonging to the political party as the person or persons removed, can be induced to accept such appointment, then the vacancies can be filled by appointments from any other political party.

Removals.

On or before the first day of May, 1904, the state supervisor and inspector of elections shall appoint four deputy state supervisors and inspectors of elections, in each county in the state which contains a city wherein annual general registration of electors is required by this act, who shall be qualified electors of the county for which they are appointed.

Appointments, qualifications and term of deputy state supervisors and inspectors.

For the first appointments, two members shall be appointed for the term of two years, and two for the term of four years from the first day of May, 1904. One member so appointed for two years, and one for four years, shall be from the political party which cast the highest number of votes at the last preceding November election for governor or secretary of state. The other two members shall be appointed from the political party which cast the next highest number of votes for such officer at said November election. Thereafter, appointments shall be made biennially for two deputy state supervisors and inspectors of elections for each such county, for the term of four years, which appointments shall be from the two political parties which cast the highest and the next highest number of votes at the last preceding November election for governor or secretary of state. All vacancies shall be filled and all appointments to new terms made from the political party to which the vacating or outgoing member belongs unless there be a third political party which cast a greater number of votes in this state at the next preceding November election than did the party to which the retiring member belonged, in which event the vacancy shall be filled from such third party. Provided, that if the executive committees of the two political parties in the county casting the highest and the next highest number of votes in this state at the last preceding November election, recommend qualified persons to the state supervisor and inspector of elections at least five days before the first day of May, then the state supervisor and inspector shall appoint the persons so recommended to the number to which such party is entitled; but if no such recommendation is made, the state supervisor and inspector shall make the appointments agreeably to the provisions herein contained.

Vacancies.

Recommendation by party executive committees.

Powers and duties of state supervisor and inspector of elections and deputy state supervisors and inspectors of elections.

The state supervisor and inspector of elections and the deputy state supervisors and inspectors of elections shall have, in addition to the powers and duties conferred upon them for the investigation and prosecution of offenses against the registration and election laws of this state, all the rights, powers and duties conferred and imposed by law upon the state supervisor of elections, and the deputy state supervisor, and the terms "deputy state supervisor" and expressly provided the term "state supervisor" shall be taken to apply to the state supervisor and inspector equally with the state supervisor, and the terms "deputy state supervisor" and "deputy state supervisors," shall be taken to apply to deputy state supervisors and inspectors of elections equally with deputy state supervisors of elections, and the term "clerk" shall be taken to apply to the clerk of the board of deputy state supervisors and inspectors of elections equally with the clerk of the board of deputy state supervisors of elections.

Deputy clerk; compensation.

The board of deputy state supervisors and inspectors of elections shall also appoint a deputy clerk who shall perform such duties and receive such compensation, not exceeding one hundred dollars per month, as shall be determined by the board.

Organization and selection of clerk and deputy clerk.

The deputy state supervisors and inspectors of elections shall, within five days after their appointment, and biennially thereafter, meet and organize by selecting one of their number as chief deputy, who shall preside at all meetings, and two resident electors of the county, other than members of the board, as clerk and deputy clerk respectively, all of which officers shall continue in office for two years. The balloting for such officers shall commence at or before one o'clock p. m. of the day of the convening, and at least one ballot shall be taken every twenty minutes until such organization is effected, or five ballots have been cast as hereinafter provided. The clerk shall first be selected by the votes of at least three members, and if, after five ballots, no person shall be agreed upon as clerk, the names of all persons so voted for on such fifth ballot, together with the names of the deputies who nominated them, shall be certified to the state supervisor and inspector of elections, who shall designate therefrom one of such persons to serve as clerk, and another such person to serve as deputy clerk. The clerk and deputy clerk shall be of opposite political parties, and each such officer shall have been nominated by a deputy state supervisor and inspector of the political party to which he belongs.

Selection of chief deputy.

After the selection of the clerk, the chief deputy shall be selected from the deputies of opposite politics to that of the clerk, and if upon the first ballot no person shall be agreed upon as chief deputy, the deputy of opposite politics to the clerk and having the shortest term to serve shall be and act as chief deputy, presiding at all

Report of organization.

meetings. When such organization is perfected, the clerk shall forthwith report the same to the state supervisor and inspector of elections. All vacancies in the offices of chief deputy, clerk, and deputy clerk, shall be filled in the same manner as original selections are made and by persons belonging to the same political party as that to which the outgoing officer belonged. The clerk, or deputy clerk, may be removed by the state supervisor and inspector, or by the deputy supervisors and inspectors, for any violation or neglect of duty, or other good and sufficient cause. [97 v. 218.]

Vacancies.

Removals.

Sec. (2966-4.) Sec. 4. The deputy state supervisors shall, within fifteen days after their appointment, in each year, meet in the office of the county commissioners or in counties containing registration cities at their office in such city as may be most convenient and organize by selecting one of their number as chief deputy, who shall preside at all meetings, and a resident elector of such county, other than a member of the board, as clerk, both of which officers shall continue in office for one year. The balloting for such officers shall commence at or before 1 o'clock p. m., on the day of convening, and at least one ballot shall be taken every twenty minutes until such organization is effected. The clerk shall be first selected by the votes of at least three members, and if, after five ballots no person shall be agreed upon as clerk, the clerk shall be selected by lot, from two persons of opposite politics, to be nominated by the deputy supervisors, the two deputy supervisors of the same politics to name one candidate for clerk, and the two deputies of opposite politics to name the other. After the selection of the clerk the chief deputy shall be selected from deputies of opposite politics to that of the clerk, and if upon the first ballot no person shall be agreed upon as chief deputy, the deputy of opposite politics to the clerk having the shortest term to serve, shall be, and act as chief deputy, presiding at all meetings. When such organization is perfected, the clerk shall forthwith report the same to the state supervisor. The clerk may be removed by the state supervisor or deputy state supervisors for any violation or neglect of duty or other good and sufficient cause, and such vacancy shall be filled by the deputy state supervisors, from the political party to which such outgoing clerk belonged. The clerk shall have power to administer oaths to such persons as are required by law to file certificates or other papers with the board, and to judges and clerks of election, or any witnesses who may be called to testify before the board. Such deputy supervisors shall meet on the twelfth day before each election, and shall remain in session for such length of time as may be necessary, and shall adjourn to such day as their duties prescribed by law may require. Each

Deputy state supervisors: organization.

Chief deputy.

Clerk.

Report of organization.

Removal of clerk.

Clerk's power to administer oath.

Meetings of board.

Compensation
of members
and clerk.

Minimum
Compensation.

How paid.

Necessary ex-
penses.

deputy state supervisor shall receive for his services the sum of three dollars for each election precinct in his respective county, and the clerk shall receive for his services the sum of four dollars for each election precinct in his respective county; and the compensation so allowed such officers, during any year, shall be determined by the number of precincts in such county at the November election of the next preceding year. Provided that the compensation paid to each of said deputy supervisors under this section shall in no case be less than one hundred dollars per annum and that the compensation paid to the clerk shall in no case be less than one hundred and twenty-five dollars per annum. Such compensation shall be paid quarterly out of the general revenue fund of the county treasury upon vouchers of the board made and certified by the chief deputy and the clerk thereof. Upon presentation of such voucher or vouchers, the county auditor shall issue his warrant upon the treasurer for the amount thereof and the treasurer shall pay the same. All proper necessary expenses of such board of deputy state supervisors shall be defrayed out of the county treasury as other county expenses, and the county commissioners shall make the necessary levy to meet the same; which expenses shall, in the case of boards of supervisors and inspectors of elections, include all expenses authorized by the state supervisor and inspector and incurred in the investigation and prosecution of offenses against the laws relating to the registration of electors, the right of suffrage and the conduct of elections. [97 v. 221.]

Codification
and publica-
tion of elec-
tion laws.

Distribution.

(2966-5.) Sec. 5. The secretary of state is hereby authorized and required to collate and publish from time to time all the election laws in force applicable to the conduct of elections. There shall be a sufficient number of copies of such election laws printed, to be bound in paper, which shall be distributed in proportion to the number of voting precincts in each county, such distribution to be made in each county by the deputy supervisors therefor. [97 v. 222.]

Appointment
of clerks.

Presiding
judge.

Terms.

Appoint-
ment.

(2966-6.) Sec. 6. At least ten days before any general election the deputy supervisors of each county shall appoint, in all precincts in which the voters are not registered, four judges and two clerks of election, residents of the precinct who shall constitute the election officers of such precinct; the deputy supervisors shall designate one judge in each precinct, who shall be selected from the dominant party in such precinct, as determined by the next preceding November election, to act as presiding judge. The terms of the judges and clerks shall cease and terminate at the end of one year from the date of their appointment, at which time, and annually thereafter, their successors shall be appointed to similar term of

office, agreeably to the provisions of this act. Not more than two judges and not more than one clerk shall belong to the same political party. If a judge or clerk in any precinct shall fail to appear on the morning of election, the electors present shall, viva voce, choose a suitable person, having the qualifications of an elector, to fill the vacancy from the political party to which the absent judge or clerk belonged. The judges and clerks shall each receive as compensation the sum of three dollars for their services, which services shall be the receiving, recording, canvassing, and making return of all the votes that may be delivered to them in the voting precinct in which they preside on each election day; provided that in any county containing a city having a population of three hundred thousand or more, by the last preceding federal census, the compensation of judges and clerks of election for such services shall be five dollars; and in cities where registration is required, the compensation of judges and clerks of election shall be as otherwise provided in this act. The judges and clerks of election, appointed as provided in this section, may be summarily removed from office by the board of deputy state supervisors at any time for neglect of duty, malfeasance or misconduct therein, and in all cases the last appointment to either of such offices for any precinct shall be recognized as valid. When any such officers have been removed and new appointments made, it shall be the duty of the board of deputy state supervisors to immediately send notice to the board of precinct officers. The judges and clerks of election may be sworn by the clerk of the board or any member thereof, and the presiding judge may administer the oath to the other election officers of his ward, township or precinct. Provided, that when new precincts have been created or vacancies exist, the deputy state supervisors shall at least ten days before any annual election appoint judges and clerks of election for such precincts, who shall serve for the unexpired term. [97 v. 222.]

Vacancy.

Compensation.

Proviso.

Removals.

Oath of election officers.

Appointments for unexpired term.

(2966-7). Sec. 7. Each deputy supervisor of elections shall, before entering upon his duties, appear before some person authorized to administer oaths, and take and subscribe to the following oath, which shall be filed with the clerk of the court of common pleas in the county where such deputy resides:

State of Ohio,———county, ss.:

I do solemnly swear (or affirm) that I will support the constitution of the United States and of the state of Ohio, and perform the duties of deputy state supervisor of elections to the best of my ability. Signed _____.

Sworn to and subscribed before me this _____ day of _____, in the year _____.

[*Title of officer.*]

Oath of deputy supervisors.

Oath of clerk
of deputy su-
pervisors.

The clerk of the deputy supervisors for each county shall, before entering upon his duties, take and subscribe the following oath, which shall be filed with the clerk of the court of common pleas of the county where he resides:
State of Ohio,———county, ss.:

I do solemnly swear (or affirm) that I will support the constitution of the United States and of the state of Ohio, and discharge the duties of clerk of the deputy state supervisors for ——county to the best of my ability, and preserve and keep all records, documents and other property pertaining to the conduct of elections placed in my custody.
Signed, ——.

Sworn to and subscribed before me this —— day of ——, in the year ——.
[*Title of officer.*]

Oath of clerks
and judges.

The clerks and judges of election shall take and subscribe to the following oath, which, upon request of the person appointed, shall be administered without compensation by any person authorized to administer oaths, and which shall be filed with the clerk of the deputy state supervisors:

State of Ohio,———county, ss.:

I do solemnly swear that I will support the constitution of the United States and of the state of Ohio, and to the best of my ability discharge the duties of judge ——, —— clerk ——of the election in and for precinct ——, —— township, —— county, at the next ensuing election, and I further solemnly swear that if, in the discharge of my official duties, I gain knowledge as to how any elector voted at said election, I will not disclose the same.
Signed, ——.

Sworn to and subscribed before me this —— day of ——, in the year ——.
[*Title of officer.*]

[91 v. 119.]

Duties of
judges and
clerks.

(2966-8.) Sec. 8. The judges and clerks provided for herein shall serve as such in all elections held under the provisions of this act. They shall perform all the duties and be subject to all the penalties imposed upon judges and clerks of election by law.

Duties of state
supervisor
and deputy
state super-
visors.

The state supervisor of elections, the deputy state supervisors, and the deputy state supervisors and inspectors of elections, as herein provided, shall perform all the duties imposed by law.

Certificates of
nominations
and nomina-
tion papers.

The state supervisor of elections and the deputy state supervisors shall receive and file certificates of nominations and nomination papers, pass upon the validity thereof and certify the same agreeably to the provisions of law.

It shall be the duty of the boards of deputy state supervisors and inspectors of elections to investigate and prosecute all violations of the laws relating to the registration of electors, the right of suffrage and the conduct of elections, and to report the same to the state supervisor and inspector of elections; and when approved by the state supervisor and inspector, and by a vote of a majority of all its members, each such board may incur any expense necessary to the conduct of such investigations and prosecutions.

Investigation and prosecution of violation of election laws.

The deputy supervisors for each county shall advertise and let the printing of the ballots, cards of instruction and other required books and papers to be printed by the county; they shall receive the ballots from the printer and cause the same to be securely sealed up in their presence in packages, one for each precinct, containing the designated number of ballots for each precinct, and shall make the necessary indorsement thereon as provided in the ballot laws; they shall provide for the delivery of the ballots, poll-books and other required books and papers at the polling places in the several precincts; they shall cause the polling places to be suitably provided with booths, guard-rails, etc., as provided in the act of April 30, 1891, and acts amendatory and supplementary thereto; they shall provide for the care and custody of the same during the intervals between elections; they shall receive the returns of elections, canvass them, and make abstracts of the same, and transmit such abstracts to the proper officers at the times and in the manner provided in sections 2980, 2982, 2983, 2989 and 2994 of the Revised Statutes, to canvass the returns, make abstracts thereof, transmit the same and issue certificates to persons entitled to the same.

General duties of deputy supervisors.

In November elections for township or municipal officers, or boards of education, or the election of a justice of the peace, the judges and clerks of election in each precinct shall make and certify the returns to the clerk of the township or the clerk or auditor of the municipality in or for which the election is held, or the clerk of the board of education of the school district, instead of to the deputy state supervisors, and the said township clerk, or the clerk or auditor of the municipality, or clerk of the board of education, shall canvass the vote and declare the result in the manner, and as provided in sections 1453, 1729 and 3910 of the Revised Statutes, and in case of an election of a justice of the peace, shall certify the result to the board of deputy state supervisors; but in municipalities where the voters are registered the returns of the election of municipal officers or boards of education or justices of the peace shall be made to the board of deputy state supervisors, and canvassed by a board of canvassers, consisting of the board of deputy state supervisors and the city auditor. [97 v. 223.]

Return and canvass of vote for township and municipal officers, members of boards of education and justices of the peace.

Penalty for violation, neglect, or wrong performance of duty, or disobedience, by deputy supervisor or clerk.

(2966-9.) Sec. 9. Any deputy state supervisor of elections or any clerk of the deputy supervisors for any county, upon whom a duty is imposed by law, who shall wilfully and negligently violate his said duty, or who shall wilfully neglect to perform such duty, or who shall wilfully perform it in such a way as to hinder the objects of the law, or who shall wilfully disobey any provision of the law incumbent on him, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment in jail not more than one year, or both. [89 v. 460.]

Investigation of irregularities or non-performance of duty by election officer; report thereon.

(2966-10.) Sec. 9a. It shall be the duty of the county boards of deputy state supervisors to investigate all irregularities or nonperformance of duty by any election officer that may be reported to them, or that comes to their knowledge, and report the facts to the state supervisor of elections and to the prosecuting attorney of the county; and the state supervisor of elections, or the deputy state supervisors of the county, shall have authority, and it is hereby made their duty, to order the prosecution of all offenses for violations of this act, or any of the laws of the state relating to the conduct of elections. [91 v. 121.]

Prosecutions.

Judges and clerks of election now in office; their successors.

(2966-11.) Sec. 6. The judges and clerks of election now in office shall serve as such until the first day of October, 1894, when their terms of office shall cease and determine; after such date, and at least ten days prior to the November election, the deputy state supervisors shall appoint their successors for the terms and in the manner provided by law. [91 v. 122.]

Compensation of state supervisor.

(2966-12.) Sec. 1. The state supervisor of elections shall receive, as compensation for his services in said capacity, an annual salary of one thousand dollars. [97 v. 224.]

POLL-BOOKS AND TALLY-SHEETS.

Poll-books and tally-sheets.

Sec. 1252. The deputy state supervisors shall furnish, at the expense of the county, and at least five days before the day of election, all the necessary poll-books and tally-sheets required in each voting precinct in the county, for all presidential, congressional, state, county, municipal, township or other elections. * * * [90 v. 277.]

BALLOT-BOXES.

Ballot-box and custody of.

Sec. 2928. The deputy state supervisors shall cause to be provided, at the expense of the county, a ballot-box for each precinct therein which may be without the same, and cause it to be deposited with the proper township or village clerk or city auditor; and every such officer shall cause a ballot-box, with a copy of this title, to be delivered at each place of holding elections in his township or corpora-

tion as often as elections are held therein, and after each election the same shall be forthwith returned to him by the judges of election for safe keeping; provided, that in registration cities, the care of the ballot-boxes to be used at any election shall devolve upon such board. [97 v. 217.]

REGISTRATION LAW.

Applicable to Akron, Canton, Dayton, East Liverpool, Findlay, Hamilton, Lima, Lorain, Mansfield, Newark, Portsmouth, Sandusky, Springfield, Steubenville, Youngstown and Zanesville, cities having a population of fourteen thousand and less than one hundred thousand and in which quadrennial general registration is required; also to Cleveland, Cincinnati, Toledo, and Columbus, cities having a population of one hundred thousand or over and in which annual general registration is required.

Sec. 2926a. In all cities which at the last preceding federal census had, or which at any subsequent federal census may have a population of fourteen thousand or more, there shall be a general registration of electors in the several wards or precincts thereof, in the manner and at the times, and on the days hereinafter provided; no person shall be deemed or held to have acquired a legal residence in any ward or election precinct in any such city, for the purpose of voting therein at any election, general or special, nor shall he be admitted to vote at any election therein, unless he shall have caused himself to be registered as an elector in such ward or precinct in the manner and at the time hereinafter required. [97 v. 192.]

Registration:
Required of
voters in
cities having
a population
of fourteen
thousand or
more.

Sec. 2926b. The office of member of city boards of elections and the city board of elections in registration cities, and the office of secretary of such boards are hereby abolished; and in all counties which contain a city wherein annual general registration of electors is required by this act, all the powers and duties heretofore exercised by city boards of elections, and the secretary thereof, in so far as consistent with the provisions of this act, and other existing laws, shall be exercised by the board of deputy state supervisors and inspectors of elections of such county, and the clerk thereof respectively; and in all other cases such powers and duties shall be exercised by the board of deputy state supervisors of the county in which such city is situated, and the clerk thereof respectively.

Office of mem-
ber of city
board of
elections abol-
ished; powers
and duties
thereof con-
ferred on
board of
deputy state
supervisors
and inspectors
of elections or
board of
deputy state
supervisors of
the county.

Office of member of board of deputy state supervisors of elections in counties containing cities in which annual general registration is required abolished; powers and duties thereof conferred upon board of deputy state supervisors and inspectors of elections of such county.

Clerk; his duties.

Office of board.

Organization of such board; general powers and duties.

And the office of deputy state supervisor of elections, and the board of deputy state supervisors of elections, and the office of clerk of such board, are hereby abolished in every county which contains a city wherein annual general registration of electors is required by this act; and all the powers and duties heretofore exercised by the board of deputy state supervisors of elections and the clerk thereof in such counties, in so far as consistent with the provisions of this act, and other existing laws, shall be exercised by the board of deputy state supervisors and inspectors of elections of each such county, hereinafter provided for, and the clerk thereof respectively. Provided, however, that said city boards of election, and boards of deputy state supervisors of elections, and the clerks thereof, shall continue to exercise the powers and duties of their offices under existing laws and receive compensation therefor, until the deputy state supervisors and inspectors herein provided for have been appointed as provided herein. The clerk of the board shall, subject to the control of the board keep a full and true record of their proceedings, file and preserve in their office all orders, rules and regulations in anywise pertaining to the administration of registration and elections; prepare and furnish, under the orders of such board, all the registers, lists, books, maps, forms, oaths, certificates, instructions and blanks, for the use and guidance of registrars, judges and clerks of elections, and the board of canvassers; provide for timely furnishing of such officers therewith, and with all the necessary supplies provided for them; to receive and keep close custody of all the registers and copies returned to such office as provided herein, and of all records, papers and certificates of every kind relating to the office or administration of such board; he shall also have the care of the ballot-boxes while deposited at the office of such board; and he shall perform all such other or further duties, pertaining to such office and affairs as shall be prescribed by such board. The board of deputy state supervisors shall have a sufficient and suitable office and rooms for the purpose herein required which shall be in charge of their clerk, and in cities in which annual general registration is required shall be kept open daily, except Sundays and legal holidays, and in other registration cities at such time as the board may require. [97 v. 192.]

Sec. 2926c. The members of the board of deputy state supervisors shall meet within fifteen days after their appointment, and organize by the election of a chief deputy and clerk as provided in section 4 of the supervisory election law, section (2966-4) of the Revised Statutes. No order, resolution or action of such board shall be valid without the vote of three of the four members. Such board shall appoint all registrars of electors, judges and

clerks of election and other clerks, officers and agents herein provided for, and designate the ward and precinct in which each shall serve. All deputy clerks, assistants, registrars and judges and clerks of election, now in office, in registration cities, shall remain in their respective offices and employments and continue to perform the several duties thereof and receive the compensation therefor, under existing laws, and under the direction and control of the board of deputy state supervisors, or the board of deputy state supervisors and inspectors, as the case may be, until their successors are chosen or appointed and qualified or until removed by the proper authority in accordance with the provisions of this act. The board of deputy state supervisors shall also appoint the places of registration of electors, and holding elections in each ward or precinct, and provide suitable booths or hire suitable rooms for such purpose and for their own office, at such rents as they deem just; they shall also provide the necessary and proper furniture and supplies for such rooms, and for the purchase, preservation and repair of all booths and ballot-boxes, necessary for use at elections in such city, and all books, blanks, and forms necessary for the registrations and elections herein designated, and for duly issuing all notices, advertisements or publications required by law. The board of deputy state supervisors of elections or the board of deputy state supervisors and inspectors of elections, as the case may be, of counties containing registration cities and the clerk thereof shall, upon the taking effect of this act, have the custody, care and control of all registers, lists, books, maps, forms, oaths, certificates, blanks, booths, and ballot-boxes, and all other property and supplies heretofore under the custody and control of the city boards of elections and the secretary thereof.

Rules and regulations.

Election precincts.

Deputy clerk and assistants; salaries.

The board may, from time to time, make and issue all such rules, regulations and instructions, not inconsistent with law, as they shall deem necessary for governing and guiding their clerk and his deputy or assistants, and the registrars of electors and judges, and clerks of elections, or other persons under their control in the proper discharge of their respective offices and duties. They shall divide, define and proclaim the election precincts of such city, authorized in section two thousand nine hundred and twenty-six, and the boundaries thereof, and provide for furnishing to each registrar of electors and judges of elections a map and pertinent description of such divisions and boundaries, and of any changes which from time to time are made by them. When necessary, they may employ a deputy clerk and one or more clerks as temporary assistants of their clerk, at a salary not to exceed the rate of one hundred dollars per month, and prescribe their duties. The period for which they are employed must always be fixed in the order author-

izing their employment, but they may be discharged sooner at the pleasure of the board. Such deputy clerk and all such assistants shall take the same oath for the faithful performance of their duties as required of the clerk of said board. [97 v. 193.]

Salaries and expenses; how paid.

Sec. 2926*d*. The cost and charge of the salaries of members of such board of deputy state supervisors in any such city, and of the clerk and his deputy and assistants, and all necessary expenses of the board for the purposes herein authorized, and the lawful compensation of all registrars of electors, in such cities, appointed by such board and the necessary cost of the registers or other books, blanks, forms, stationery and supplies to be provided by said board for the purposes herein authorized, including poll-books for special elections and the cost of the rent, furnishing and supplies of all rooms hired by the said board for their offices and as places for the registration of electors and holding of elections in such cities shall be borne and paid, by any such city out of its general fund, upon vouchers of such board certified by its chief deputy and clerk, specifying in every voucher the actual services, items of supplies, and prices and rates in detail, which shall be allowed by the city auditor, and upon his warrant paid by the city treasurer of any such city. [97 v. 195.]

Appointment of registrars.

Sec. 2926*e*. On or before the first day of September, annually, the board of deputy state supervisors shall appoint for each and every election precinct, in any such city, two electors of such city to act as registrar of the electors, and also as judges of election in such precinct. And on or before the first day of October, annually, the said board shall appoint two additional judges of elections and two clerks of elections for each and every precinct in any such city. Such registrars, judges and clerks of elections shall each hold their appointment for one year, unless sooner removed by the board and must be electors of any such city, and able to read and speak the English language understandingly and write it readily and fairly, and each shall take an oath of office, as follows :

Term.

Qualifications.

Oath.

Appearance for examination.

State of Ohio, _____County, ss :
I do solemnly swear (or affirm) that I will support the constitution of the United States and of the state of Ohio, and to the best of my ability discharge the duties of judge (registrar or clerk) of the election in and for precinct, ... ward, city of, at the next ensuing election.
Signed, ...
[Title of officer.]

Such oath may be administered by the clerk or any member of such board, and shall be filed in the office of such board. All persons selected by said board for any of said appointments shall appear before said board at their office after twenty-four hours' notice, either served personally or

left at their usual place of residence for examination as to their qualifications before being appointed; any elector of such city so selected who shall fail to appear before said board as required by law, or any elector of such city so appointed to act as registrar, judge or clerk of elections therein, who shall refuse or neglect to take and subscribe the oath of office, unless excused by said board, or any registrar, who shall, after being duly appointed, fail to be at the place designated for registration in his precinct during the hours set for the registration of electors, or who shall fail to deposit the registers at the office of the board of deputy state supervisors in accordance with the provisions of section 2926i of the Revised Statutes, or who shall fail to post the printed lists as required by section 2926l of the Revised Statutes, or any person who shall wilfully mar, damage or destroy any registers or portion thereof, shall be fined not more than one hundred dollars nor less than twenty-five dollars, or be imprisoned in the county jail not more than fifteen days, or both, in the discretion of the court. Neither the two registrars for any precinct, nor the two clerks of election, shall be of the same political party. Nor shall more than two of the four judges of election for any precinct be of the same political party. Appointments of such officers for every precinct shall be made so as in good faith to secure equal representation of political parties, if practicable. Any vacancy in the office of registrar, or of a judge or clerk of elections, shall be filled by said board of deputy state supervisors, and either or any of such officers may be summarily removed from office by such board at any time for neglect of duty, malfeasance or misconduct therein. And in all cases the last appointment to either of such offices for any precinct shall be recognized as valid. If any clerk of elections fails to attend at the opening of the polls on the day of any election, or shall during the election, by any cause become disabled or unfit to act in entering, enumerating or certifying the ballots, the judges of election, or a majority of them, may summarily remove him, and the two judges of the same political party as such clerk shall forthwith appoint another competent elector of any such city to act in his place, and administer to him the oath of office above prescribed; if any judge of election fails to attend at the opening of the polls on the day of election, or for any cause, by decision of the other three judges, shall become disabled or unfit to act in receiving and enumerating the ballots and certifying the result of the election, the other judge of the same political party shall at once appoint another competent elector of any such city to act in his place, and administer to him the oath of office above prescribed. Provided, that notice of such appointment of judge or clerk be immediately sent by the judge making such appointment to the board of deputy state supervisors, and such person so appointed shall not perform any of the duties of his office until the notice has been sent to the board. The person so

Failure to appear.

Refusal to take oath.

Failure of registrar to perform duties.

Damage or destruction of registers; penalty.

Equal representation of political parties.

Vacancies and removals.

Substituted judges and clerks.

Notice of appointment of substitutes.

Certificates of appointment as registrars, judges and clerks.

Exemption from performance of military duty.

Minute of removal.

appointed to act temporarily as judge or clerk shall perform the duties of the office after the sending of said notice, until the board shall confirm said appointment or appoint another for said office. Whoever shall be appointed as registrar, judge, or clerk of elections by the board of deputy state supervisors, shall receive from the board a certificate of appointment, which may be revoked at any time by the board; said certificate to be in such form as may be prescribed by the board, and to specify the precinct and ward of the city in and for which the person to whom the same is issued is appointed to serve, the date of appointment, and the expiration of his term of office. Registrars, judges and clerks of election during the time they hold such certificate of appointment, and as such officers shall be exempt from the performance of military and jury duty. And immediately upon such a removal of a clerk or judge, and filling the vacancy as above provided for, a brief note of the proceedings shall be entered in the poll-books and subscribed by the judges so acting, and specially stating the cause of such removal. [97 v. 195.]

Powers and duties of registrars and judges and peace officers.

Preventing violence and disorder, etc.

Guarding registration and count.

Protecting clerks, witnesses and challengers.

Securing registers, poll-books, ballots, etc.

Duty of police.

Loitering near polls.

Hindering Electors.

Sec. 2926f. All registrars of electors and judges of elections, while exercising their office under this or any other law regulating elections, shall have full power and authority, and are hereby required to enforce the peace and good order and obedience to their lawful commands for such ends at and about the places of registration and of holding elections. They shall especially keep the access of electors to the polls open and unobstructed, prevent and suppress all riot, violence, tumult and disorder, and also any and all improper practices or attempts tending to obstruct or intimidate electors from a free exercise of their free right to vote, or tending to disturb or interfere with the free and peaceful registration of electors, or counting and certifying the result of an election. They shall also protect the clerks of an election and the witnesses and the challengers designated to attend the election as herein provided for, from any violence, interference or molestation during the receiving and enumeration of ballots. And they shall at all hazards be bound to preserve and secure the registers, poll-books, ballot-boxes and ballots at every election from violence, fraud or tampering. To enforce the provisions of this section, the officer or authority having command of the police force of any such city, shall promptly, on the requisition of such board of deputy state supervisors, detail for service at the polling place in any precinct of such city, such force as such board may deem necessary, and on every day of elections shall have a special force in readiness for any emergency. During the receiving and counting of the ballots or registering of electors, no person shall congregate or loiter within one hundred feet of the polling place of any election or place of registration of electors, or in any manner hinder or delay any elector in reaching or leaving the place fixed for registration or cast-

ing his ballot, or within such distance of one hundred feet to give or tender or exhibit any ballot or ticket to any person other than a judge of election, or to exhibit any ticket or ballot which he intends to cast, or solicit or in any attempt to influence any elector in casting his vote. In the discharge of their duties, the judges of elections may, if necessary, appoint and require any elector or electors to aid them in making known their orders or directions and in enforcing the peace. The judges of election, or any of them, or any registrar, may order the arrest of any person violating this section, but such arrest shall not prevent such person from voting or registering if he is entitled to do so. The sheriff and all constables, policemen and officers of the peace, and all bystanders at any election, shall immediately obey and aid in enforcing any and every lawful order made by the judges at any election in execution of the provisions of this section. Any person wilfully refusing or neglecting to perform any of the duties by this section prescribed, shall be fined not less than twenty dollars nor more than one thousand dollars, or imprisoned in the county jail not less than thirty days nor more than one year, or both. [97 v. 197.]

Soliciting
votes, etc.

Power to
secure assist-
ance.

To order
arrests.

Who shall
obey and aid
them.

Penalty for
refusal.

Sec. 2926g. On or before the first day of September annually, the clerk, under the direction of the board of deputy state supervisors shall, in any city in which quadrennial general registration is required as provided in section 2926h prepare and furnish to the registrars so appointed for each precinct in any such city, duplicate lists of all electors so registered in such precincts at the last general registration, together with such new and additional ones as may have registered at any election subsequent to the such general registration, with sufficient blank space for new electors to be registered therein, excepting every fourth year, when a general registration is required, as provided in section 2926h. And the board shall, on or before the first day of September annually in cities in which yearly general registration is required, procure and have at their office, duplicate books for each and every election precinct, in any such city for the registration of electors therein, and which shall be styled and known as "registers of electors." Each register shall contain space and ruled lines for at least seven hundred names, and be arranged and ruled in parallel columns, with printed heading, in the following order: Number (consecutively), full name, age, term of residence, nativity, how long resident in precinct, in state, when naturalized, court, married or single, date of registration, sworn, signature, remarks; and the rulings and headings of each page of the register shall be according to the following diagram enlarged:

Duplicate list
of electors to
be furnished
registrars; ex-
ception.

Registrars of
electors, how
appointed.

And it shall be the duty of the registrars of each and every precinct in any such city to apply, on Wednesday in the fourth week before the November election, annually, for the lists and registers aforesaid, and the map of their precinct, and such printed instructions for the discharge of their duties as may be lawfully prescribed by such board. [97 v. 198.]

Duties of registrars.

Sec. 2926*h*. The days for the general registration of electors in cities wherein annual general registration is required, and for the quadrennial general registration and the yearly registration of new electors in cities wherein general registration is required only in presidential years, in the several precincts in every such city, shall be Thursday in the fourth week, Thursday in the third week, Friday and Saturday in the second week next before the day of the general election in November in each year. Between the first day of September and the day preceding the first of the days above prescribed for the general registration, and no longer, the clerk of the board of deputy state supervisors shall act as registering officer in the following cases only: Any person, resident of such city, who will be lawfully entitled to vote therein at the next succeeding election in November, may go before such clerk, at the office of such board, and on making and subscribing an oath or affirmation before him that he will necessarily and unavoidably be absent from such city on all the days appointed or allowed by this section for the general registration of electors by the registrars of the precinct in which he resides, specifying the same, and more than fifty miles distant therefrom, the clerk, if satisfied, shall thereupon file such affidavit and make registration of such person in the registers of such precinct, on compliance of such applicant with the foregoing requirements of this section for general registration, and his signature to the statement prescribed, and no further registry of such applicant shall be necessary; any elector of such city who is absent therefrom, and without the county in which it is situated, and more than fifty miles distant from such city, may appear before any judge or clerk of any court of record, or notary public, or, if in foreign country, before any minister, consul or vice consul of the United States, and make and subscribe an affidavit as to his residence, specifying in what ward and precinct he resides, and that he will be necessarily and unavoidably absent from such city on all the days allowed or appointed by this act for the general registration of electors by the registrars in such precinct, and answering and setting forth accurately each and all the matters herein required to be set forth in the register of electors, and forward such affidavit, duly authenticated as above, by mail, under an envelope addressed to the "clerk of the board of deputy state su-

Days for registration.

When clerk to act as registering officer.

Registration by clerk of persons who will be necessarily absent during registration.

Application to clerk for registration by mail.

Affidavits.

Transmittal of
affidavits to
registrars.

Entry of
"challenged"
on registers.

Close of regis-
tration by
clerk.

General regis-
tration of
electors in
cities having
a population
of fourteen
thousand or
more.

pervisors" of such city; if received by such clerk between the days above appointed for his acting as registrar, it shall entitle such applicant to be entered by the clerk in the proper register of such precinct; and in place of the signature of such elector, the word "affidavit" shall be inserted, and no further registry of such applicant shall be necessary; such affidavit and envelope shall be filed and preserved in such office; but no such affidavit shall be allowed by the clerk unless the officer before whom it is made shall certify that the affiant is personally known to him to be the person he represents himself to be, or proven so to be by a credible person known to him, and whose name and full address must be stated in such certificate. Any such affidavit of an absent elector which shall be received by such clerk on or after the first days herein appointed for general registration by the registrars, shall be transmitted by him immediately to the registrars of the proper precinct, and they shall be authorized to register the applicant as above directed, and shall preserve such affidavit; provided, that in any case where application for registration is thus made by affidavits forwarded by mail, if the clerk or registrars, as the case may be, are not satisfied that such applicant is a resident of the precinct so specified, or that he will be entitled to vote on the day of the next election, the word "challenged" shall be entered in the register opposite his name and in the column for "remarks," and such affidavit and envelope shall be transmitted to the judges of election; and such applicant, if he appear, shall be required to establish his residence and qualification before voting. On the day preceding the first of the days herein appointed for the general registration the clerk of the board of deputy state supervisors, shall, in each and every register in which he has entered any registration of electors, as in this section provided, close the same by drawing double lines across the page with ink, immediately below the last name registered by him, and add the words, "close of registration by the clerk," and shall thereunto subscribe his name and office.

In all cities which now or hereafter may have a population of one hundred thousand or more, when ascertained in the manner provided in Sec. 2926a, there shall be an annual general registration of all the electors therein, in the several wards and precincts, on the days and in the manner herein provided; in all cities, which now or hereafter may have a population of fourteen thousand and less than one hundred thousand, a general registration of all the electors therein shall only be had at each and every presidential election, at the times and upon the days hereinbefore specified; and at all other state, or other public elections, those electors who have been duly registered at such general registration as herein provided, and have not removed from the precinct in which they then

registered at said general registration in any such city, shall not be required to register; but at such state, or other public elections, at the times hereinbefore provided for registration days, only these electors of any such city shall be required to register, as may be new electors, or who have moved into any precinct of any such city, since any general registration, and have not been registered therein, excepting [that] at such public election other than presidential and state, such registration shall take place on Friday and Saturday in the second week before any such election. And if any elector removes from the precinct in which he has so registered into another precinct of the city in which he resides, he shall apply in person to the registrars of the precinct in which he has so registered for a "removal certificate," as provided by section 2926k. Within a sufficient time previous to any such state, or other public election, it shall be the duty of the registrars of each and every precinct in any such city to obtain the preceding register made by them from the board of deputy state supervisors, and attend at the place in such precinct appointed for the registration of electors at the time hereinbefore provided, and receive applications for registration by such qualified electors residing therein as are not already registered at the last preceding general registration; it shall further be the duty of such registrars to take all such preceding registers of their respective precincts, so required to be furnished them by section 2926g of this act, and make a thorough canvass thereof, for the purpose of ascertaining whether or not any of the electors so registered have removed or died, and shall make a report of their proceedings, carefully noting any and all changes found, together with such additional names of electors registered by them, to the board of deputy state supervisors. [97 v. 200.]

Registration
of new elec-
tors or elec-
tors moving
into precinct.

Removal
certificates.

Duties of
registrars.

Sec. 2926i. The registrars of electors appointed as herein provided shall, on each of the days appointed for the general registration of electors, meet at the place in each precinct provided by the board of deputy state supervisors for that purpose, and there remain in session from the hour of eight o'clock before noon, until the hour of two o'clock in the afternoon, and from four o'clock in the afternoon until nine o'clock in the evening of each and all the days so appointed for the purpose of registering the electors lawfully resident in such precinct. No person shall be registered as an elector of any such city at any time or place other than those which are in this act designated; and in making registration every applicant shall answer the inquiries made by the registrars; and the registrars having openly and publicly met at the place and time herein appointed, shall proceed as follows:

Hours for
general regis-
tration.

Mode of regis-
tration.

Receipt of
application for
registration.

Oath in cases
of challenge.

Examination
of applicant.

Entries in
registers.

Signature of
applicant.

1. They shall receive the application for registration of all such male persons, resident in such precinct, as then are, or on the day of election which will next follow such application will be entitled to vote therein, and who shall personally come before them, and such only; the registrars may, and if the right of the applicant to be registered be challenged by any elector shall, administer the following oath, to-wit: "You do solemnly swear (or affirm) that you will truly and fully answer all such questions as shall be put to you touching your place of residence, name, age, place of birth, qualifications as an elector, and your right as such to be registered and vote under the laws of this state."

2. They shall then examine each applicant as to his residence and qualifications as an elector, and if not satisfied, or if any elector so demands, shall enter the word "challenged" under the column for "remarks." Unless otherwise herein directed, they shall then, in the presence of the applicant, enter in the registers his answers to their questions pertinent to the heading of each column, in their order. In entering his number, such number shall be filled up consecutively, leaving no blank, and in names they shall include his Christian name or names in full as well as his surname. In the column as to "residence," shall be stated the name of the street, avenue, alley, or way in which his dwelling is located, or access to the same usually had, and the number of the house, if it has one. If it has no number, a definite description by which it can easily be found, must in every such case be given and entered. If there be more houses than the one under the number so given, or if there be other families, tenants, or lodgers in that in which the applicant resides, he must specify in which house and on which floor, and whether front or rear of such house, he resides, and the number or location of his tenement. In the column as to age, the years and months must be stated, and if the applicant is not at the time twenty-one years of age or more, the words "not of age," must be inserted in the column of remarks. In the column as to "term of residence," the periods of years and months of his residence in the precinct and state must both be stated. In the column as to naturalization, the answer "yes," or "no," or "native" must be given and stated. If naturalized, the proper certificate or evidence must be produced. The column as to "date of registration" must be filled with the date on which the application was actually registered, and none other.

3. After the answers of the applicants to the questions under the head of each and every column have been properly entered by the registrar in his presence, and not until then, he must enter his signature on the same line, and in both of the registers in the column "signatures." Signatures, when made by a mark, must be attested by

at least one subscribing witness, who shall be an elector, and may be examined by the registrars under oath as to his knowledge of the person thus attested, and in such case noted by the registrars on the registers as "sworn" or "affirmed," as the case may be.

4. Each of the registrars shall enter the statement of the applicants in the duplicate register kept by him, and both shall be signed by the applicant. At the close of each day's registration, the registrars shall compare their registers with each other, and correct any discrepancies in form before closing them for the day. The registrations for the day shall then be ruled off by double lines, to be drawn by the registrars across the page in ink, and immediately under the last name and statement so registered. And the registrars shall make a note in writing under such double line stating, "close of the first, second, etc., day's registration," and attest the same by their signatures in both registers. The registers shall then be deposited by them at the end of each day at the office of the board of deputy state supervisors.

By mark.

Comparison of duplicate registers.

Close of day's registration.

Attestation.

Registers; where deposited.

5. All registers, when not in the official use of the registrars, or the judges of the elections, shall at all times be deposited and locked up in the office of the board of deputy state supervisors of such city, subject to be produced for inspection at all proper times. [97 v. 202.]

Sec. 2926j. Every male person who is a citizen of the United States, and a lawful resident of this state, and of any city wherein registration is required, and who is, or at the next ensuing election in such city will be entitled to vote therein, shall, on application, in the election precinct where he lawfully resides, and complying with the requirements herein, be registered as a resident and elector therein, but not otherwise. But no person shall be entitled to vote at any election in any such city unless he shall establish his residence by causing himself to be registered in the precinct where he shall claim to reside, in the manner and at the time required herein, nor shall any ballot be received by the judges at any election under any pretense whatever, unless the name of the person offering such ballot shall have been entered on both of the registers of the precinct in which he claims to vote, as herein provided. And it shall be the duty of every elector resident in any such city to see that his name has been so registered. But any elector in any such city who is prevented by sickness or physical disability from appearing before the registrars, at the place in his election precinct, on the days for general registration may apply to such registrars on either of said days by his affidavit, made before any judge or justice of the peace or notary public in such city; such affidavit shall contain a full and proper answer to each and every question under all the heads or columns re-

Voters required to register.

Registration of persons disabled by sickness, etc.

quired for registration, and shall be transmitted to such registrars by a credible person, who is an elector of such precinct, and personally cognizant of the sickness and disability of such applicant, and of the facts stated in such affidavit, and who shall be examined by such registrars, under oath, in the premises. And if satisfied that such applicant is a resident of such precinct, and that he is then, or on the day of the next election, will be, qualified to vote in such precinct, such registrars shall enter said applicant as registered, and in the column for signatures enter the word "affidavit," and transmit the affidavit, with the registers, to the judges of election, and such registration shall be sufficient. [97 v. 204.]

Certificates in case of removal or mistake.

Sec. 2926k. Any elector who, being the head of a family, and duly registered in the precinct where he then resided, shall remove into another precinct in the same city, or any elector, not the head of a family, duly registered in a precinct of a ward where he then resided, who shall remove into another precinct in the same ward, may, on any of the days of general registration, apply in person to the registrars of his previous precinct for a "removal certificate," and the same shall be made and signed by them, certifying his said registration, with all its particulars, as shown on their registers, but adding his statement of the new residence and precinct to which he has removed. They shall then immediately cancel his registration on their registers by drawing double lines in ink through the same, and noting his "removal" and the ward and precinct to which he has removed in the column of "remarks," but such note must be subscribed by such applicant. And when by mistake a qualified elector has caused himself to be registered in a precinct which was not his place of residence, the registrars therein, on full and satisfactory proof that such error was committed by mistake, and without fraud or any unlawful intent, may, on his personal application and proof of his true residence, give him a similar certificate as in case of a removal, and cancel his registration in the same manner on their registers. And the certificates, in case of a removal or mistake, so granted, shall, if presented on any of the days for general registration, or between the hours of two-thirty and five-thirty o'clock on Monday, the day preceding the November election, to the registrars of the precinct where such person so certified lawfully resides, and proper proof thereof made to them, shall entitle such persons to be registered therein. But in all cases where registration is so granted upon certificates from the registrars of other precincts, or by order of the board of deputy state supervisors as hereinafter provided, such certificates or order must be retained by the registrars to whom it is presented, and filed by them in the office of the board of deputy state supervisors and preserved.

New registration.

Disposition of such certificates.

But no such certificate or transfer shall be allowed or be of any validity unless certified and signed by both of the registrars of the precinct in which the registration was first made. [97 v. 204.]

Transfers.

Sec. 2926*l*. On Monday in the week preceding the November election, annually, the registrars of each and every election precinct shall make out and deliver to the board of deputy state supervisors in such city, at their office, a true list of the names of all the electors registered by them in their respective precincts, arranged in the alphabetical order of their surname, followed by their full Christian names and residences, and having the registry number of each prefixed. This list shall be under the following heading, namely: "List of electors registered in ward——, precinct——, of the city of——; on the—— days of——, nineteen hundred and——. No.——, ——name,——residence." And the following certificate shall be annexed at the end of the list and signed by both of the registrars of the several precincts, namely:

Annual registration lists.

Heading.

"We, the undersigned registrars of electors in ward ——, precinct——, of the city of——, in the county of ——, and state of Ohio, do certify that the foregoing list is a true and correct copy of the names, residences, and registry numbers on the registers of said precinct of all persons who have been registered by us as residents, and qualified electors in the said precinct, this——day of—— in the year nineteen hundred and——." And it shall be the duty of the board of deputy state supervisors immediately to cause at least three copies of the list for each and every precinct in such city, respectively to be printed on broadside sheets of thick paper, and in plain type, two of which lists they shall cause to be securely posted up at the polling place in such precinct, three days or more before the November election annually, and also before every other election. The third copy from each precinct shall be retained by the board of deputy state supervisors and annually bound together in a volume and preserved in their office, and they shall cause at least fifty additional copies of such list, respectively, to be printed in pamphlet form for immediate distribution. Said registrars, after making and returning such lists to the board of deputy state supervisors shall make out in books, to be prepared and furnished to them by such board, duplicate lists of all the registered electors in their precinct, arranged alphabetically in the order of their surnames, followed by their full Christian names, ages, and residences as registered, and the registry number of each prefixed. The books to be prepared for this purpose shall be ruled in columns, with printed headings, as follows, namely: Registry number——, name——, age——, residence——, voted ——, remarks. These lists shall be carefully compared

Certificate.

Posting of lists.

Bound volume of lists.

Pamphlets.

Duplicate registration lists for use at polls.

Comparison.

by the registrars of each precinct with the registers thereof, and with each other, and then certified by them in the form prescribed for the lists returned to the board of deputy state supervisors, and at the opening of the polls at the next succeeding election, shall be there produced by them for the use of the judges, as herein provided. [97 v. 205.]

Meeting for
granting or
receiving cer-
tificates of
removal or
mistake.

Correction.

Noting of
changes.

Registration
by order of
board of
deputy state
supervisors.

Such orders,
when made.

Sec. 2926*m*. On Monday, the day preceding the November election in every year, the registrars of each and every election precinct aforesaid, shall meet at two-thirty o'clock in the afternoon, at the polling place appointed for holding elections therein, and there remain in session until five-thirty o'clock, in the evening, central standard time. At this meeting, they shall receive and act upon any application for either granting or receiving certificates of removal or correction of mistakes as herein provided for; and if any material error or mistake in the description of any elector in such precinct has been discovered, he may appear at this meeting, and on good cause being shown, the registrars may then correct the same. But any change in the registers which shall be allowed by the registrars at such meeting, must immediately be noted by them in the registers and also in the books containing the duplicate lists for the use of the judges as above provided, and if not then and there so noted, shall be wholly null, and disregarded by the judges of election. At this meeting, also, and subject to the same conditions, any qualified elector of such precinct may be registered who shall appear and present an order requiring it, signed by not less than three members of the board of deputy state supervisors; provided, that no such order shall be made or considered by such board of deputy state supervisors, except in a session of said board to be held in its office on Saturday and Monday preceding the November election in every year, and during such hours as may be prescribed by the board therefor, nor unless the applicant shall appear before them personally at such sessions, after the last day of general registration, and prove to their satisfaction that he could not, by due diligence, have appeared before the registrars in his proper precinct on either of the days appointed herein, and shall furthermore comply with all the prescribed requirements for general registration. [97 v. 206.]

Meeting on
evening prior
to election.

Organization.

Sec. 2926*n*. On Monday, the day preceding the November election in every year, the registrars, as judges of election, and the other two judges of election in each precinct, shall meet at the polling place appointed for holding the election therein at seven o'clock in the evening punctually, and then and there organize as a board by electing one of their number, by ballot, as chairman. If they fail so to elect a chairman within ten minutes,

they shall immediately choose a chairman by drawing lots. They shall at this meeting make all necessary arrangements for securing the ballot-boxes and the proper accommodations for themselves and the clerks of elections in receiving and counting ballots at the ensuing election, and also, if requested, for the witnesses and challengers designated by each political party to be admitted within the polling rooms as follows, namely: At every election the executive or principal committee of each political party presenting one or more candidates for suffrage, may, by writing, certified by its chairman and secretary, and presented to the judges of election at or before this meeting, designate not more than one elector of such city as witness, and one other elector as a challenger, to attend at such election in behalf of such party. It shall be the duty of the judges of election in each and every ward or election precinct to admit the witnesses and challengers so accredited, into the polling room with themselves and the clerks at the ensuing election, and to place them so near to themselves and the clerks, that they can fully and conveniently watch every proceeding of the judges and clerks from the time of opening to the closing of the polls; no other person except the witnesses and the judges and clerks of the election shall be admitted to said polling place after the closing of the polls until the counting, certifying and signing of the final returns of such election have been completed. Before opening the polls the ballot-boxes shall be opened, if requested by a witness, so that the inside and the locks and keys may be inspected by them. No ballot-box, nor any ballot when taken from it for counting, shall be removed or screened from the constant sight of such witnesses until the counting has been closed and the certificate of the final returns completed and signed by the judges. The challengers so designated shall be so placed that they can fully see and meet each and every person offering a ballot to the judges or either of them. And at the meeting on the evening of a day preceding an election, any elector may appear and challenge the vote of any person named in the register of such precinct, and the word "challenged" shall immediately be entered by the judges opposite the name of such person on both of the duplicate lists of electors, and if he shall offer to vote at any election, the judges shall, upon such challenge, examine him under oath as to his qualifications as an elector in such precinct. [97 v. 207.]

Securing ballot-boxes and accommodations, etc.

Witnesses and challengers.

Their admission to polling place.

Who may be present during count, etc., of votes.

Inspection of ballot-boxes before opening of polls.

Same to be in plain view.

Rights of challengers.

Challenge of lists.

Opening and close of polls.

Sec. 29260. On the day of the November election in every year, and of any other election, the polls in each and every precinct in cities in which registration is required, shall be opened by the judges of elections appointed and organized as in this act provided, by proclamation made by the chairman, at the hour of five-thirty

o'clock in the morning, standard time, and shall be closed by proclamation, at the hour of four o'clock, standard time, in the afternoon in cities which have now or may hereafter have a population of three hundred thousand or more as ascertained in the manner provided in section 2926a, and at the hour of five-thirty o'clock in the afternoon in all other cities in which registration is required.

Duty of registrars.

The registrars acting as judges shall punctually, at the hour of opening the polls, attend and produce, at the polling places in the several precincts, the registers, affidavits of sick or absent electors and accompanying papers, and also the duplicate certified lists of electors, prepared by them as herein required. The chairman of the board shall at once designate two members of the board of judges of different political parties, each to hold and to have charge of one of the said duplicate lists; no ballot shall be deposited in the ballot-box, until the name of the elector offering it, shall first have been stated by him, and announced aloud by the judge holding the ballot, nor until it shall have been found on both such lists, and so announced by both of the judges holding such lists. Every ballot must be put in the ballot-box, by the judge who receives it from the elector; and such judge and the ballot-box must always be so placed, and the ballot be so held forth by the judge, that it shall be in full view of the elector, until actually put into the box. For any wilful violation or evasion of this rule by any such judge, he shall at once be expelled from his office by the other three judges, and the vacancy filled in the manner provided by section 2926e, and immediately upon the depositing of the ballot in the box, each of the said judges shall check off the name of such elector on the duplicate list, held by him, by placing a "V" distinctly with ink in the column under the word "voted," and in the line with the elector's name; provided, that it shall be unlawful for any judges or clerks of election, or of any of the witnesses or challengers, admitted into the polling rooms at the election, at any time while the polls are open, to have in his possession, or to distribute, or to give out any ballot or ticket to any person on any pretense, nor during the counting or certifying of the votes, to have any ballot or ticket in his possession or control, except in the proper discharge of his duty, in receiving, counting or canvassing the votes as required by law; but this prohibition shall not extend to the lawful exercise by any judge or clerk of elections, or witness, or challenger aforesaid, of his individual right to vote at such election.

Location of ballot-box.

Challenges.

Any registered elector, when offering to vote, may nevertheless be challenged by an elector as a nonresident, or for any of the causes allowed by law, and he shall be sworn, and the same proceedings thereupon had as in other cases; in all cases of challenge, the judges holding

the duplicate lists aforesaid, shall note the word "sworn" opposite the name of the person challenged. And except as otherwise required herein, the judge of elections appointed, as herein provided, shall have the same powers and discharge all the duties conferred or required by the general laws of the state regulating elections. But except where some authority or duty is herein allotted to one of said judges, no order or action on their part shall be of any validity without the concurrence of three members of said board of judges in any precinct. [97 v. 208.]

Sec. 2926*p*. Immediately upon the close of the polls at any and every election in such cities, the number of electors entered and shown on the poll-books as having voted, shall be first certified therein and signed by the board of judges and the clerks; and before any other or further proceedings the chairman of the board shall make a proclamation in a loud voice in the street outside of the polling room, stating the number of voters so shown and certified on the poll-books. The number of electors who shall have been checked on each of the duplicate lists as having voted, shall next be counted and compared each with the other, and with the number so shown in the poll-books, and the result shall be at once certified in the poll-book and signed by the judges. And in counting those who are checked, the word "no" shall at the same time be entered in ink in the same column opposite the name of each and every elector who is not so checked off. In all cases of disagreement or doubt on any question during the election or counting, the judges may refer to the original registers, and they shall be conclusive when relevant. The ballot-box shall then, without any adjournment or delay be opened, and without opening any ballot or ascertaining its contents, the number of ballots shall first be counted. If the number of ballots exceeds the number of names on the poll-books, the ballots shall be replaced in the box, and one of the judges shall, with his back to the box and without seeing it, draw out, without showing them, and destroy a number of ballots equal to the excess. And, if during the counting of the ballots or at the conclusion of the counting, an excess of ballots be discovered, all the ballots shall be returned to the box, and after being thoroughly mingled the excess shall in the manner directed above, be drawn out and destroyed, and the count corrected accordingly. In all cases where ballots have thus been drawn out and destroyed, a minute of the number destroyed and the reason, shall be made on the tally-sheet. The count shall then commence and proceed without interruption or delay, and in no case shall cease until it is completed, proclaimed, and the final result certified as herein required. As soon as the ballots have been counted and tallied, and the clerks have estimated the

Certificate and proclamation of total vote cast.

Electors checked on duplicate lists.

Questions of doubt.

Opening of ballot-box and counting of ballots.

Excess of ballots to be destroyed.

Minute of destroyed ballots.

Completion of count.

Proclamation
of result.

Certificate of
result for
board of
deputy state
supervisors.

Duty of
judges.

Abstracting
result.

Signing of
tally-sheets.

Numbers;
how ex-
pressed.

Session of
board of
deputy state
supervisors
on day of
election.

Reports of
election.

Assignment
of police.

Certificate in
case of in-
voluntary
mistake in
registering.

Notice to
registrars.

number tallied for each candidate, the chairman of the board shall make a second proclamation in the same manner as the first, stating the whole number of votes cast, and the number counted and tallied for each candidate; and this proclamation shall be prima facie proof of the result. The judges and clerks in every precinct shall at the same time make out and certify a summary statement of the number of votes cast therein, and the number counted and tallied for each candidate as announced in the proclamation, and dispatch the same without delay by a special messenger, and in a sealed envelope to the board of deputy state supervisors at their office. The judge of elections shall also, as soon as the result has been proclaimed, announce it to the board of deputy state supervisors from the nearest police station, or from a telegraph or telephone station if nearest to them. At the request of any of the persons designated to witness the counting of the ballots, the judges and clerks of elections shall also sign and deliver to him a certificate containing the same statements as required to be made to the board of deputy state supervisors. After completing the counting and enumeration of the ballots, and proclaiming and issuing the statement of the result, as hereinbefore directed, the number of votes for each person shall be set down in the tally-sheets, under the inspection of the judges and certified and signed by them in manner and form as prescribed by law. In all certificates the number of votes shall be fully written out in words, and also stated in figures. [97 v. 209.]

Sec. 2926q. The board of deputy state supervisors shall convene in session at their office at five-thirty o'clock a. m. on the day of every election in such cities, and remain in session continuously until the statements giving the result of the election, as required above, shall have been received from every precinct in such city. The board shall have power to employ messengers, to use the telephone and telegraph, direct the police force of the city, and use any other lawful means to secure prompt and correct reports from the election judges, as above required. The police authorities shall assign at least one policeman to do duty in each precinct on every day of an election. The board shall also have authority during said day, in case any elector through no mistake or negligence of his own, shall have been registered in the wrong precinct, to issue to such elector a certificate showing such fact, and such certificate when presented by such elector to the proper registrars and judges, shall entitle said elector to vote in his proper precinct, and such mistake shall be noted on the register. When any such certificate is issued, the board of deputy state supervisors shall immediately notify the registrars and judges of election of the precinct wherein such elector was so im-

properly registered of the issuing of such certificate, whereupon such erroneous registration shall be cancelled by them, a proper note thereof being made in the column for "remarks." [97 v. 210.]

and judges of granting of certificate and cancellation of erroneous registration.

Sec. 2926r. The judges of elections, after having set down the number of votes for each person, and certified and signed the same in the poll-books and tally-sheets in the manner prescribed by law, shall put under cover one of the poll-books and tally-sheets, seal the same, and direct it to the clerk of the court of common pleas; the other poll-book and tally-sheet shall be sealed in like manner and directed to the board of deputy state supervisors; they shall then destroy all the ballots so counted or found in the ballot-box by burning the same completely; the judges, before separating, shall designate two of their number as messengers (by lot if they cannot agree), one of whom shall personally and within twenty hours from the close of the polls, deliver to the clerk of the court of common pleas the poll-book and tally-sheet so addressed to the said clerk, and the other shall personally and within twenty hours, as above, deliver the other poll-book and tally-sheet to the board of deputy state supervisors at their office; the chairman of the precinct board of elections shall safely return the registers, the duplicate lists made therefrom, the ballot-boxes and keys thereof, and all affidavits or papers accompanying them to the board of deputy state supervisors or the clerk, at their office within twenty hours; and the judges and clerks of elections shall not adjourn, disperse, nor cease from proceeding as hereinbefore required, until all the said requirements have been actually executed and completed in manner and from as prescribed by law. [97 v. 211.]

Disposition of poll-books and tally-sheets.

Ballots to be burned.

Return of registers, etc.

Completion of work without adjournment.

Sec. 2926s. The county board of deputy state supervisors, on demand of any candidate, shall compare the returns as received by the county clerk from the precincts in any city with the certified statement sent by the judges of elections to the board of deputy state supervisors as herein required, and if found to disagree, the number certified in the statement last mentioned shall be taken as correct and counted, unless proof of their returns received by the county clerk, satisfactory to the board of deputy state supervisors, shall be made by the judges, clerks, and witnesses of the counting. And for the purpose of adjusting such discrepancy, and determining the true result of the election, the board of deputy state supervisors shall also summon witnesses and examine them under oath, as to the proceedings and proclamations at such election in any precinct, and may also view and consider as part of the record, the poll-books and tally-sheets, registers, and duplicate lists made

Adjustment of discrepancies between returns to clerk and that received by board of deputy state supervisors.

therefrom, and deposited as herein provided; but such inquiry shall be limited exclusively to determining which shall be adopted, namely: The returns as received by the county clerk, or the certified statement as received by the board of deputy state supervisors, as proof of the true vote at the close of the polls in any precinct. [97 v. 211.]

Salaries of members and clerk of board of deputy state supervisors in counties containing registration cities.

Minimum compensation.

Maximum compensation.

How additional compensation paid.

Compensation of registrars, judges and clerks.

Sec. 2926*t*. Each deputy state supervisor, in counties containing cities in which registration is required, shall, in addition to the compensation provided in section 4 of the supervisory election law, section (2966-4), receive for his services the sum of five dollars for each election precinct in such city; and the clerk in such counties in addition to his compensation, so provided, shall receive for his services the sum of six dollars for each election precinct in such city; and the compensation so allowed such officers during any year, shall be determined by the number of precincts in such city at the November election of the next preceding year. Provided that the compensation paid to each of said deputy state supervisors under this section, shall, in no case, be less than one hundred dollars per annum, and that the compensation paid to the clerk under this section, shall, in no case, be less than one hundred and twenty-five dollars per annum; and provided, further, that, in such counties, the whole amount of annual compensation paid to each deputy state supervisor and clerk under this section and under section 4 of the supervisory election law, section (2966-4) shall not exceed, in any one year, the following: In counties containing cities having a population of three hundred thousand or more, as ascertained in the manner provided in section 2926*a*, each deputy state supervisor, eighteen hundred dollars, and the clerk, twenty-five hundred dollars; in counties containing cities having a population of seventy-five thousand and less than three hundred thousand, each deputy state supervisor, fifteen hundred dollars and the clerk, two thousand dollars; in counties containing cities having a population of fifty thousand and less than seventy-five thousand, each deputy state supervisor, seven hundred fifty dollars, and the clerk, nine hundred dollars; in counties containing cities having a population of twenty-five thousand and less than fifty thousand, each deputy state supervisor, four hundred dollars, and the clerk, five hundred dollars; in all other counties containing such registration cities, each deputy state supervisor, three hundred dollars, and the clerk, four hundred dollars. The additional compensation provided by this section shall be paid monthly from the city treasury, on warrants drawn by the city auditor upon vouchers signed by the chief deputy and clerk of the board. The registrars of each election precinct shall be allowed and paid four dollars per day, and no more,

nor for more than six days in any one election, for their services as registrars. In cities containing a population of thirty thousand or more the judges of election, including the registrars as judges, and the clerks of election, shall each be allowed and paid five dollars for each election at which they serve, and no more either from the city or county, and in other cities they shall each be allowed and paid three dollars for each election at which they serve, and no more, either from the city or county. But no registrar, judge or clerk shall be entitled to the compensation so fixed except upon the allowance and order of the board of deputy state supervisors, made at a joint session, certifying that each has fully performed his duty, according to law as such, and stating the number of days' service actually performed by each, and signed by the chief deputy and clerk of the board to the city or county auditor. But for all November elections the county in which such city is located shall pay the general expenses of such election other than the expenses of registration; and such allowance and order for such expenses and compensation to such judges and clerk shall be signed by the chief deputy and clerk of such board to the county auditor of such county, who shall issue his warrants upon the county treasury for such amounts. [97 v. 212.]

General expenses of election to be paid by county.

Sec. 2926u. Any member of the board of deputy state supervisors or the clerk of the board, may, for any violation or neglect of the duties prescribed herein, or other good and sufficient cause, be removed at any time by the state supervisor of elections, and the vacancy shall be filled as hereinafter provided. [97 v. 213.]

Removal of clerk and members of board.

Sec. 2926v. The preceding provisions shall extend to any special election authorized by law to be held in any registration city, as follows:

Special elections.

1. There shall be no general registration as provided in sections 2926h and 2926i, but on Friday and Saturday in the second week before any such election, the registrars for each precinct shall obtain the last registers made by them from the board of deputy state supervisors, and attend at the place in such precinct appointed for the registration of electors between the hours herein directed for the purpose, and receive applications for registration by such qualified electors residing therein as are not already registered, and if qualified, shall enter the same in the registers, subject to the same rules and conditions as herein prescribed as to general registration, and they shall deliver certificates of cancellation to any registered elector who is not the head of a family, and who may apply to them to cancel his registration on account of his removal from the precinct in which he was registered to

Registration for such elections.

Certificates of cancellation.

Affidavits of
sick and dis-
abled electors.

Additions to
or changes in
registers.

Organization
of board of
judges.

Poll-book;
how ad-
dressed and
delivered.

Board of can-
vassers,
duties of.

New or
altered wards
and precincts.

another precinct, and they shall receive such certificate from any elector presenting the same and allow him to register, if he be otherwise qualified, in the precinct to which he has removed; provided that on the day of election he will be an actual resident in such ward for twenty days immediately preceding such election; and they shall receive affidavits of sick and disabled electors, as required in section 2926*i*, and on such days and at their meeting on the evening preceding such election, which shall be held between the hours of five and seven o'clock in the afternoon, they shall also perform the same duties prescribed in section 2926*m*. The board of deputy state supervisors may, during the week previous to such election, issue orders for registration, which orders, if presented at the meeting for organization, held the evening before such election, shall be received by the registrars and be disposed of as required in section 2926*m*. And any additions or changes then entered by them in their registers, shall also be made in the duplicate list of voters, which, after being carefully compared with the registers and with each other shall be produced by them, together with the registers of such precincts at the opening of the polls on the day of election, and then be used, applied and disposed of by the judges in all respects as directed in section 29600.

2. At seven o'clock in the evening preceding any such election the registrars for each and every precinct, and the other two judges of election shall meet at the polling place therein appointed for such election, and shall then and there organize as a board of judges and perform the other duties prescribed in section 2926*n* and in the manner therein directed.

3. The poll-book required by section 2926*r* to be delivered by the judges of election to the clerk of the court of common pleas, shall be addressed and delivered by them to the auditor of such city.

4. The board of canvassers of elections in each such city shall be composed of the board of deputy state supervisors and the city auditor of such city. Within four days after such election in such city, the said "board of canvassers" shall meet at the office of the board of deputy state supervisors at ten o'clock in the forenoon, at the call of the chief deputy state supervisor, and organize by electing a chairman and secretary; the returns received by the city auditor shall then be produced by him and opened and canvassed by the board of canvassers as prescribed in section 2926*r* and by law.

5. Whenever a new ward has been created, or the boundaries of any ward or the precincts have been changed after the general registration, and before any special election following, it shall be the duty of the board of deputy state supervisors to appoint election officers, rearrange the voting precincts, provide for registra-

tion of electors not already registered, make new registers, and certify the registration of registered electors whose voting precinct has been changed and make all necessary arrangements and regulations for holding elections in such new or altered wards and precincts; provided, that the right of any registered elector to vote shall not be prejudiced by any error in making out the certified lists of registered voters. [97 v. 213.]

Sec. 2926w. 1. Any registrar of electors, or other registering officer, who falsely or fraudulently enters or consents to the entry in any register or duplicate list of the electors in any precinct, of the name of any person whom he knows or has good reason to believe is not a resident or qualified voter in such precinct, or who on request, refuses, neglects or hinders the registration of any person, who is a resident and qualified voter in such precinct, and offers to comply with the requirements of the law for that purpose, shall be fined not less than fifty dollars nor more than five hundred dollars, and imprisoned not less than thirty days nor more than six months, or both.

Permitting
false registra-
tion.

Refusing
registration.

Penalty.

2. Whoever by any gift, promise, or offer, or by coercion, intimidation, or other unlawful means, induces or influences, or attempts to induce or influence any registrar of electors or other registering officer, to enter in the register or duplicate list of electors in any precinct, the name of any person, real or fictitious, living or dead, who is not a resident or qualified elector therein, or who shall fraudulently induce any registrar or registering officer to refuse registration in a precinct to any person lawfully entitled to be registered as an elector therein, or unlawfully prevent, hinder or delay any registrar or registering officer from registering any person lawfully entitled to be registered, or to induce or influence such registrar or registering officer to violate or refuse or neglect the execution of any rule or duty touching his office and prescribed by law, shall be imprisoned in the penitentiary not less than one year nor more than three years.

Inducing
same, unlaw-
fully.

Inducing neg-
lect of duty,
penalty.

3. Whoever falsely or fraudulently obtains or attempts to obtain registration, as an elector, in any precinct in which he is not a resident and qualified elector, shall be imprisoned in the penitentiary not less than one year nor more than three years.

False regis-
tration,
penalty.

4. Whoever fraudulently induces or attempts to induce, aid or abet any person to obtain or apply for registration as an elector in any precinct where such person is not a resident and qualified elector, shall be imprisoned in the penitentiary not less than one year nor more than three years.

Inducing
same; penalty.

Obtaining
registration
by personat-
ing another;
penalty.

5. Whoever falsely personates, or assumes the name of any other person, real or fictitious, living or dead, in obtaining or attempting to obtain registration in such assumed name as an elector in any precinct, or falsely obtains or applies for registration as an elector in any name other than his own, or fraudulently aids or abets any other person in committing or attempting to commit either of said offenses, shall be imprisoned in the penitentiary not less than two years nor more than five years.

Hindering
registration.

6. Whoever fraudulently or by any unlawful means prevents, hinders or delays, or attempts to prevent, hinder or delay any elector from applying for registration as an elector in the precinct where such elector resides and is entitled to vote, with intent to deprive such elector of his right to vote, shall be imprisoned in the county jail not less than thirty days nor more than six months, and fined not less than fifty dollars nor more than five hundred dollars.

Penalty.

Producing
unlawful eras-
ure in regis-
tration lists;
penalty.

7. Whoever by any false statement or other unlawful means, procures, or aids or attempts to procure the erasure or striking out of the register or duplicate list in any precinct of the name of any elector who is a resident and qualified elector therein, shall be imprisoned in the penitentiary not less than one year nor more than three years.

Distributing
ballots inside
polling room.

8. Any judge or clerk of election, witness, challenger, or other person whatever who is admitted into the polling room at any election, and who at any time from the opening of the polls until the ballots are finally counted and certified, and while in said rooms distributes or gives out to any person, on any pretense, or brings into said room, or has in his possession or control any ballot or ticket except that which he shall offer to the judges as his own vote if an elector, shall be fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned in the county jail not less than thirty days nor more than one year.

Penalty.

Permitting
ballots in box
at opening of
polls, etc.;
penalty.

9. Any judge of election who shall permit any ballot or ticket to remain or be in the ballot-box at the opening of the polls, or be put into the ballot-box at any time during the receiving, counting, and certifying the ballots, except when lawfully presented by an elector in the course of an election, shall be imprisoned in the penitentiary not less than two years nor more than five years.

Perjury;
penalty.

10. Whoever shall be guilty of wilful and corrupt false swearing or affirmation, upon any examination, by or before any registrar or registering officer authorized by this act, shall be guilty of perjury, and imprisoned in the penitentiary not less than one year nor more than five years.

11. Any member of the board of deputy state supervisors or clerk thereof, or any registrar of electors or judge or clerk of elections in any city who shall wilfully refuse and neglect to execute and perform any duty prescribed by law to be done or performed by him, shall be fined in any sum not less than fifty dollars nor more than five hundred dollars, to be recovered in the name and behalf of such city, or imprisoned in the county jail not less than thirty days nor more than one year, or both, in the discretion of the court.

Neglect of duty by officers of election; penalty.

12. Whoever makes, issues, utters or publishes any false or counterfeit certificate of registration authorized by this act to be granted by registrars of electors and boards of deputy state supervisors, or fraudulently alters any such certificate granted by any of said officers, or who makes, issues, utters or publishes any false certificate, statement or proclamation of the result of an election, knowing such certificate, statement or proclamation to be false, or who wilfully destroys, defaces or conceals any certificate or statement of the result of an election entrusted to him or his care for delivery, shall be imprisoned in the penitentiary not less than two years nor more than five years.

Counterfeiting registration certificates, etc.

Penalty.

13. Every person who may act as registrar, judge or clerk of election without having received his certificate of appointment from the board of deputy state supervisors, except the judges and clerks appointed in the manner herein provided in section 2926e, by the judges to fill a vacancy caused by absence or removal, and every such person so appointed by the judges who shall act without notice thereof having been sent to the board of deputy state supervisors and the judges who may make such appointment and neglect and fail to send notice thereof to the board of deputy state supervisors, and every person to whom such notice for the board may be given for delivery to the board who shall neglect or fail to deliver the same as promptly as possible shall be guilty of a misdemeanor, and shall be fined not more than one hundred dollars or less than twenty-five dollars, or imprisoned thirty days, or both fined and imprisoned. [97 v. 214.]

Acting as registrar, judge or clerk without certificate of appointment.

Acting as substitute judge without notice, etc.

Neglect to forward notice, etc.

Penalty.

OPENING AND CLOSING OF POLLS.

Sec. 2929. The polls shall be opened at five-thirty o'clock central standard time in the forenoon, and kept open up to and closed at five-thirty o'clock central standard time in the afternoon of the same day except as otherwise provided in section 2926o. [97 v. 217.]

When polls to be opened and closed.

Sec. 2937. Immediately before proclamation is made of the opening of the polls, the judges, or one of them, in the presence and under the direction of the

Judges to open ballot-boxes in presence of spectators.

others, and in the presence of the people there assembled, shall open the ballot-boxes, and turn them upside down, so as to empty them of anything that may be in them, and offer to such persons as may desire it the privilege of examining the same in the presence of the judges, and then lock them; and the boxes shall not be again opened till the polls are closed, and the counting of the ballots begins. [67 v. 50, § 3.]

LOITERING WITHIN SEVENTY-FIVE FEET OF POLLS.

To prevent loitering within seventy-five feet of polls.

Sec. 2938. At all elections held within boundaries of any municipal corporation during the receiving and counting of the ballots no person shall congregate or loiter upon the streets, alleys and sidewalks within seventy-five feet of the polling place of any election, or in any manner hinder or delay any elector in reaching or leaving the place fixed for casting his ballot, or within such distance of seventy-five feet to give or to tender or exhibit any ballot or ticket to any person other than a judge of election, or to exhibit any ticket or ballot which he intends to cast, or solicit or in any way attempt to influence any elector in casting his vote. In the discharge of their duties, the judges of election may, if necessary, appoint and require any elector or electors to aid them in making known their orders or directions and in enforcing the peace. The judges of election or any of them may order the arrest of any person violating this section, but such arrest shall not prevent such person from voting if he is entitled to do so. The sheriff, and all constables, policemen, and officers of the peace, and all bystanders at any election, shall immediately obey and aid in enforcing any and every lawful order made by the judges at any election in execution of the provisions of this section. Any persons wilfully refusing or neglecting to perform any of the duties of this section prescribed, shall be fined not less than five dollars nor more than one thousand dollars, or imprisoned in the county jail not less than five days nor more than thirty days, or both; provided that nothing in this section shall be so construed as to conflict with sections 2926 to 2926w, inclusive. [97 v. 217.]

Penalty.

INTERFERENCE WITH VOTERS.

When judges may order persons assembled at precinct to disperse, and penalty.

Sec. 2951. If two or more persons congregate together in or about any voting place, during the receiving of ballots thereat, so as to hinder or delay any elector in casting his ballot, the judges of election, upon complaint made thereof, and being satisfied that substantial ground of complaint exists, shall order all such persons to disperse; and upon refusal so to disperse, such per-

sons shall each be fined not more than three hundred nor less than twenty dollars, or imprisoned in the county jail not exceeding six months, or both. [74 v. 215, § 14.]

RESIDENCE.

Sec. 2945. No person shall be permitted to vote at any election unless he shall have been a resident of the state for one year, resident of the county for thirty days, and resident of the township, village, or ward of a city or village, for twenty days, next preceding the election at which he offers to vote, except where he is the head of a family, and has resided in the state, and in the county in which such township, village or ward of a city or village, is situate, the length of time required to entitle a person to vote under the provisions of this title, and shall, bona fide, remove with his family from one ward to any other ward in such city or village, or from a ward of such city or village to a township or village in the same county, or from a township or village to a ward of a city or village in the same county, or from one township to another in the same county, in which cases such person shall have the right to vote in such township, village, or ward of a city or village, without having resided therein the length of time above described to entitle a person to vote; provided, that such voter so removing with his family from a township to a village, or ward of a city or village, in the same county, shall not have the right to vote at any municipal election held in such city or village, unless he shall have resided therein twenty days prior to such municipal election. [75 v. 15, 16, § 1.]

Who entitled
to vote.

Sec. 2946. All judges of election, in determining the residence of a person offering to vote, shall be governed by the following rules, so far as the same may be applicable:

Rules to gov-
ern judges in
determining
residence.

1. That place shall be considered the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

2. A person shall not be considered to have lost his residence who leaves his home, and goes into another state, or county of this state, for temporary purposes merely, with the intention of returning.

3. A person shall not be considered to have gained a residence in any county of this state, into which he comes for temporary purposes merely, without the intention of making such county his home.

4. The place where the family of a married man resides shall be considered and held to be his place of residence, except where the husband and wife have separated and live apart, then the place where they resided

at the time of the separation shall be considered and held to be his place of residence, unless he afterward, and during the time of such separation, remove from such place, in which case the county, township, city, or village in which he resides the length of time required by the provisions of this section to entitle a person to vote, shall be considered and held to be his place of residence.

5. If a person move to another state with an intention to make it his permanent residence, he shall be considered to have lost his residence in this state.

6. If a person remove to another state, with an intention of remaining there an indefinite time, and as a place of present residence, he shall be considered to have lost his residence in this state, notwithstanding he may entertain an intention to return at some future period.

7. The mere intention to acquire a new residence, without the fact of removal, shall avail nothing; neither shall the fact of removal without the intention.

8. If a person go into another state, and while there exercises the right of a citizen by voting, he shall be considered to have lost his residence in this state.

9. All questions of the right to vote shall be heard and determined by the judges of election. [75 v. 16, § 1.]

Where inmates of soldiers' home may vote.

Sec. 2947. Disabled soldiers, who are inmates of a national asylum for disabled volunteer soldiers, who are citizens of the United States, and have resided in this state one year next preceding the election, and are otherwise qualified as to age and residence within the county and township, shall be held and deemed to have their lawful residence in the county and township in which such asylum is located. [67 v. 98, § 1.]

Cincinnati; legal residence of inmates of city infirmary.

(2947—1.) Sec. 1. The legal residence of any qualified elector, who may be an inmate of any infirmary owned or maintained by any city of the first grade of the first class, shall be the ward or precinct of such city where said inmate was domiciled or resident at the time of his admission to said infirmary, and shall so continue during the time he may be an inmate thereof. [87 v. 124.]

Defining the legal residence of inmates of infirmaries in certain cities.

(2947—2.) Sec. 1. The legal residence of any qualified elector, who may be an inmate of any infirmary owned or maintained by any city of the first or second class, shall be the ward or precinct of such city where said inmate was domiciled or resident at the time of his admission to said infirmary, and shall so continue during the time he may be an inmate thereof. [87 v. 316.]

Defining legal residence of inmates of infirmaries.

(2947—3.) Sec. 1. The legal residence of any qualified elector, who may be an inmate of an infirmary in any county of the state, having a population at the last fed-

eral census, in 1880, and which, at any subsequent federal census, may have a population of 42,871, shall be the ward, precinct or township of such city or county where said inmate was domiciled or resident at the time of his admission to said infirmary, and shall continue during the time he may be an inmate thereof. [86 v. 244.]

CHALLENGES.

Sec. 2939. Judges of election shall, and any elector may, challenge every person offering to vote, whom they know or suspect is not duly qualified as an elector under the constitution and laws of the state. [39 v. 13, § 18.]

Who may challenge a person offering to vote.

Sec. 2940. If a person offering to vote be challenged as unqualified, one of the judges shall tender to him the following oath: "You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, and qualifications as an elector at this election."

How judges to proceed when person offering to vote is challenged.

First—If the person be challenged as unqualified on the ground that he is not a citizen, the judges, or one of them, shall put the following questions:

1. Are you a citizen of the United States?
2. Are you a native or naturalized citizen?

If the person offering to vote claims to be a naturalized citizen of the United States, he shall, before his vote shall be received, produce, for the inspection of the judges of the election, a certificate of his naturalization, and also state under oath or affirmation, that he is the identical person named therein; but the production of the certificate shall be dispensed with if the person offering to vote state, under oath, when and where he was naturalized, that he has had a certificate of naturalization, and that, against his will, the same is lost, destroyed, or beyond his power to produce to the judges of the election; or if he state, under oath, that by reason of the naturalization of his parents, or one of them, he has become a citizen of the United States, and when and where his parent or parents were naturalized, the certificate of naturalization need not be produced.

Second—If the person be challenged as unqualified on the ground that he has not resided in this state for one year immediately preceding the election, the judges, or one of them, shall put the following questions:

1. Have you resided in this state for one year immediately preceding this election?
2. Have you been absent from this state within the year immediately preceding this election? If yes, then—
3. When you left this state did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?

4. Did you, while absent, look upon and regard this state as your home?

5. Did you, while absent, vote in any other state?

Third—If the person be challenged as unqualified on the ground that he is not a resident of the county or precinct where he offers to vote, the judges, or one of them, shall put the following questions:

1. Have you resided in this county for thirty days last past?

2. Have you resided in this precinct for twenty days last past?

3. When did you last come into this county?

4. When you came into this county did you come for a temporary purpose merely, or for the purpose of making it your home?

5. Did you come into this county for the purpose of voting in this county?

6. Are you now an actual resident of this precinct?

Fourth—If the person be challenged as unqualified on the ground that he is not twenty-one years of age, the judges, or one of them, shall put the following question:

Are you twenty-one years of age, to the best of your knowledge and belief?

The judges of election, or one of them, shall put all such other questions to the person challenged, under the respective heads aforesaid, as may be necessary to test his qualifications as an elector at that election. [54 v. 136, § 13.]

If he refuses to answer any question, vote to be rejected.

Sec. 2941. If a person challenged refuse to answer fully any questions put to him, as provided in the last preceding section, the judges shall reject his vote. [39 v. 13, § 14.]

Further oath if challenge not withdrawn.

Sec. 2942. If the challenge be not withdrawn after the person offering to vote has answered the questions put to him as aforesaid, one of the judges of election shall tender to him the following oath: "You do solemnly swear (or affirm) that you are a citizen of the United States, of the age of twenty-one years; that you have been an inhabitant of this state for one year next preceding this election; that you are now an actual resident of this precinct; and that you have not voted at this election." [39 v. 13, § 15.]

Rejection of vote of person who refuses to take oath, or is not a legal voter; oaths of witnesses.

Sec. 2943. If any person refuses to take the oath so tendered, his vote shall be rejected; and after such oath has been taken a majority of the judges may refuse to permit such person to vote if they are satisfied from record evidence, or the testimony adduced before them

that he is not a legal voter; otherwise the vote shall be accepted; and they may administer the necessary oaths to all witnesses brought before them to testify to the qualifications of the person offering to vote. [90 v. 310.]

Sec. 2944. Whenever the vote of any person is received after he has taken the oath prescribed in section two thousand nine hundred and forty-two, the clerks of the election shall write on the poll-book, at the end of such person's name, the word "sworn." [39 v. 13, § 17.]

When clerk to enter on poll-book the word "sworn."

Sec. 2950. The judge to whom a ticket is delivered shall, upon the receipt thereof, pronounce with an audible voice the name of the elector; and if no objection be made as to the right of such elector to vote, and the judges are satisfied that he is a citizen of the United States, and legally entitled, according to the constitution and laws of this state, to vote at the election, he shall immediately put the ticket into the box, without inspecting the names written or printed thereon; and the clerks of the election shall enter the name of the elector, and number, in the poll-books, in the manner and form provided by law. [97 v. 217.]

How ballot to be received and deposited, etc.

BALLOT LAWS.

Conduct of elections of public officers.

(2966-13.) Sec. 1. That hereafter elections of all public officers, except road supervisors, and all officers of original surveyed townships, in this state, shall be conducted according to the provisions of this act and existing laws not inconsistent therewith. [97 v. 225.]

Forms for guidance of deputy state supervisors of elections.

(2966-14.) Sec. 2. In addition to the duties now imposed on him by law, the secretary of state shall prepare and furnish to the deputy state supervisors of elections, for their guidance, forms of all the blanks, cards of instruction, including poll-books and tally-sheets, certificates of nomination and designs, provided for hereinafter, for the conduct of elections in this state. [90 v. 268.]

Candidate ineligible as deputy state supervisor or clerk thereof, or as judge or clerk of elections.

Sec. 2966-17. No person being a candidate for any office to be filled at an election shall serve as deputy state supervisor or clerk thereof, or as a judge or clerk of elections in any precinct at such election; and any person serving as deputy state supervisor or clerk thereof, judge or clerk of election contrary to the provisions of this section, shall be ineligible to any office to which he may be elected at such election. [95 v. 47.]

NOMINATIONS.

Nominations of candidates.

(2966-18.) Sec. 6. Nominations of candidates for public office may be made as herein provided, and when not invalidated or withdrawn, the names of such candidates shall be printed on the ballots. Any convention, caucus, meeting of qualified electors, primary election held by such electors, or central or executive committee, representing a political party, which at the next preceding general election polled at least one per cent. of the entire vote cast in the state, may make one nomination for each office to be filled at the following election, which nomination, to be valid, must be certified as hereinafter provided. Every certificate of nomination shall state such facts as are in this act required for its acceptance, and shall be signed by the proper officers of such convention, caucus, meeting, primary election or committee, who shall add to their signatures their places of residence and post-office address, and make oath before an officer qualified to administer the same, that the facts stated in the certificate are true to the best of their knowledge and belief. A certificate of the oath shall be annexed

Certificate of nomination.

to the certificate of nomination. Such certificate of nomination shall also state the names and address of a committee authorized to represent such political party, and such committee shall have power to fill vacancies which may occur in the list of nominations, unless it be otherwise specially ordered at the time of the selection of such committee and so certified. [89 v. 434.]

(2966-19.) Sec. 6a. It shall not be lawful, however, for any committee, appointed for the purpose of filling vacancies, in cases where no nominations were made originally for a particular office, to name a candidate of another political party for such office, or to name a candidate nominated by petition, it being the intent of this act that when the nomination of a candidate of one party is endorsed by another that it shall be done at the time and in the manner provided for original nominations. Provided, further, that if the name of any candidate, except the name of a candidate for the office of member of a school board or board of education, is certified to the state supervisor of elections or deputy state supervisors by two or more political parties, or by a petition of electors and a political party or parties, it shall be unlawful to cause the name of any such candidate to be printed in more than one place on the ballot sheet, if said candidate be certified by two or more political parties or petitioners for the same office. When the name of a candidate is certified as above mentioned, such person whose name is so certified shall within three days from the time the certificate of nomination is filed, notify the state supervisor or deputy state supervisors, as the case may be, under which political party name or list of petitioners he desires his name to be printed, and the said election officers when so notified shall print the name in that list only. If the said person, except a candidate for member of any school board, or board of education, whose name is so certified by two or more political parties or petitioners, fails to notify the state supervisor of elections or the deputy state supervisors, as the case may be, in which list of candidates he desires his name to be printed, then the said state supervisor or deputy state supervisors shall print the name in the list of party candidates which was first certified to the state supervisor or deputy state supervisors, and in that list only. [97 v. 226.]

Substitution
of candidate
of other
party or
nominee
by petition.

Printing of
name of can-
didate on bal-
lot when two
or more certi-
ficates for
same office
filed.

NOMINATIONS BY PETITION.

(2966-20.) Sec. 7. Nominations of candidates for any county, township, municipal or ward office, or members of the board of education may be made by nomination papers, signed in the aggregate for each candidate by not less than three hundred qualified electors of

Nomination
of candidates
by nomination
papers.

Annual registration cities.

Signers to name committee to fill vacancies.

Signer pledged to vote for nominee or nominees.

Residence of signers to be stated; can subscribe to but one nomination; oath by one of the signers.

the county, or fifty qualified electors of the city, or twenty-five qualified electors of the township, ward or village, or twenty-five qualified electors of either sex of the school district, respectively; except in counties containing annual registration cities, such nomination papers shall be signed by petitioners not less in number than one for every fifty persons who voted at the next preceding general election in such county. Nominations of candidates for other offices may be made by nomination papers, signed for each candidate by qualified electors of the state or the district or division for which such candidates are nominated, not less in number than one for every one hundred persons, who voted at the next preceding general election in the state or such district or division. Signers of such nomination papers shall insert in them the names and addresses of such persons as they desire, to the number of five, as a committee, who may fill vacancies caused by death or withdrawal. Such nomination papers shall contain a provision to the effect that each signer thereto thereby pledges himself to support and vote for the candidate or candidates whose nominations are therein requested. Each elector signing a nomination paper shall add to his signature his place of residence, and may subscribe to one nomination for each office to be filled, and no more. One of the signers to each such separate paper shall swear that the statements therein are true, to the best of his knowledge and belief, and the certificate of such oath shall be annexed. [97 v. 226.]

CERTIFICATES OF NOMINATION—WHAT TO CONTAIN.

Contents of certificates of nomination and nomination papers.

(2966-21.) Sec. 8. All certificates of nomination and nomination papers shall, besides containing the names of candidates, specify as to each (1) the office for which he is nominated; (2) the party or political principle which he represents, expressed in not more than three words; (3) his place of residence, with street and number thereon, if any; provided, however, that in nominations by petition, the certificate may designate, instead of a party or political principle, any name or title which the signers shall select, and candidates nominated by petition, without distinctive appellations, shall be certified as independent candidates. In case of electors of president and vice president of the United States, the names of the candidates for president and vice president shall be added to the party or political appellation. [89 v. 435.]

CERTIFICATES OF NOMINATION—WHEN FILED.

Filing of certificates of nomination and nomination papers.

(2966-22.) Sec. 9. Certificates of nomination and nomination papers of candidates for presidential electors and state offices shall be filed with secretary of state

not less than thirty days previous to the day of the election at which the candidates are to be voted for; certificates of nomination and nomination papers for the nomination of candidates for county offices shall be filed with the deputy state supervisors not less than twenty days previous to the day of election; certificates of nomination and nomination papers for the nomination of candidates for offices to be filled by the electors of a district lying within a county shall be filed with the deputy state supervisors of the county not less than twenty days previous to the day of election; and for offices to be filled by the electors of a district, circuit or subdivision of a district, composed of two or more counties, with the chief deputy state supervisor of the county in the district, circuit or subdivision containing the greatest number of inhabitants, as ascertained by the last federal census, not less than twenty-five days previous to the day of election; certificates of nomination and nomination papers for the nomination of candidates for township or municipal offices, or members of the board of education, shall be filed with the deputy state supervisors not less than fifteen days previous to the election; certificates of nomination and nomination papers for municipal officers and for members of boards of education in municipalities situated in two or more counties shall be filed with the board of deputy state supervisors of the county containing the majority population of said municipality not less than fifteen days previous to the election. [97 v. 227.]

OBJECTIONS TO CERTIFICATES.

(2966-23.) Sec. 10. Certificates of nomination and nomination papers, when filed, shall be preserved and be open, under proper regulations, to public inspection; the certificates of nomination and nomination papers being so filed, if in apparent conformity with the provisions of this act, shall be deemed to be valid, unless objection thereto is duly made in writing, within five days after the filing thereof. Such objections, or other questions arising in the course of the nomination of candidates for state offices and presidential electors shall be considered by the secretary of state, and his decision shall be final. Such objections or other questions arising in the course of nominations of candidates for county offices or offices of a district lying within a county shall be considered by the deputy state supervisors of the county, and objections or questions arising in the course of nomination of candidates for district or circuit offices or offices in a subdivision of a district shall be considered by the chief deputy state supervisors and clerks of said election boards of the several counties comprising the district, circuit or subdivision, and their decision shall be final; and the votes of at least three deputy state super-

Preservation and inspection of certificates of nomination and nomination papers.

Objections to their validity.

Consideration and decision of such objections or other questions.

visors for the county, or a majority of the chief deputies and clerks of the district or circuit or subdivision of a district, shall be necessary to a decision; but in case no decision can be arrived at, the matter in controversy shall be submitted to the state supervisor of elections, who shall summarily decide the question thus submitted to him, and his decision shall be final. Objections and questions arising in the course of nominations for township or municipal offices, or members of the board of education, shall be considered by the deputy state supervisors; the decision of such deputy state supervisors shall be final, and in case of disagreement the matter shall be referred to the state supervisor of elections and his decision shall be final; but in municipalities within the terms of this act which are situate in two or more counties, the objection or question may be submitted, by the board of deputy state supervisors of the county where filed, directly to the state supervisor. In case an objection is made, or question arises, notice shall forthwith be mailed to the candidates affected thereby, and to any party committee especially interested. It shall be proper for the officers above named, in the decision of any question as to the proper political or party designation of candidates, to distinguish between candidates nominated by certificates of nomination and those nominated by petition or nomination papers; and any party or political designation certified by petitioners in nomination papers may be rejected if, from similarity to the name of any existing party, as defined in section 7, such officers shall deem it likely to mislead or confuse voters. [97 v. 227.]

VACANCIES—HOW FILLED.

Manner of filling vacancy on ticket, or correcting defect in certificate of nomination.

(2966-24.) Sec. 11. Should any person so nominated die, withdraw, or decline the nomination, or should any certificate of nomination be insufficient or imperfect, the vacancy thus occasioned may be filled or the defect corrected in the manner required for original nominations, but must be certified to the secretary of state twenty days, or to the deputy state supervisors at least fifteen days previous to the election day. If, when the original nomination was certified, there was certified a committee authorized to represent the party as before provided, it may fill such vacancy. The chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which nominated, the name of the person for whom the new nominee is to be substituted, and such other information as is required to be given in an original certificate of nomination. The certificate so made shall be executed, acknowledged and sworn to in the manner prescribed for the original certificate of nomina-

tion, and shall, upon being filed with the secretary of state at least twenty days, or with the deputy state supervisors fifteen days before election, have the same force and effect as an original certificate of nomination. A vacancy occurring after the printing of the ballots may be filled by filing the proper certificate with the secretary of state at least ten days, and with the deputy state supervisors at least five days prior to the election, and the name, office and party of the candidate so nominated shall be printed on adhesive slips or pasters, by the deputy state supervisors, which shall be delivered to the judges in each precinct before the opening of the polls, and pasted by them in the proper place on the ballot, before the same is handed the elector. [90 v. 270.]

(2966-24a.) Sec. 1. When a political party in its nominating convention fails to appoint a committee for the purpose of filling vacancies on the party ticket, the power to fill such vacancies shall be and hereby is vested in the county executive committee of said political party. [93 v. 224.]

Authority of county executive committee to fill vacancy on ticket.

DEVICE ON TICKET.

(2966-25.) Sec. 12. If the certificate of nomination of any state convention shall request that the figure or device selected by such convention be used to designate the candidates of such party on the ballots for all elections throughout the state, such figure or device shall be so used until changed by request of a subsequent state convention of the same party. Such device may be the figure of a star, an eagle, a rooster, a flower, a plow, or some such appropriate symbol, but the coat of arms or seal of the state or United States, the national flag, or any other emblem common to the people at large, shall not be used as such device. [89 v. 437.]

Device to designate party candidates.

TRANSMISSION OF CERTIFICATES OF NOMINATIONS.

(2966-26.) Sec. 13. Immediately upon the expiration of the time within which certificates of nominations and nomination papers may be filed and within which objections thereto may be made as provided in section 10 ((2966-23) Sec. 10), the secretary [of state] shall certify all the nominations so filed to the several deputy state supervisors together with a form of official ballot therefor; and the chief deputy state supervisor of the district, circuit or subdivision with whom the certificate of district, circuit or subdivision nominations has been filed, shall immediately certify the nominations so filed to the deputy state supervisors in all the other counties in such district, circuit or subdivision and the deputy state supervisors of the county containing the majority population of a municipality situated in two or more

Transmission of certified copies of certificates of nomination.

counties, shall immediately certify to the deputy state supervisors of the other county or counties, copies of all certificates of nominations and nomination papers of such municipal officers or members of the board of education that have been filed with such board. [97 v. 228.]

EXPENSES—HOW DEFRAIDED.

How expenses
of election de-
frayed.

(2966-27.) Sec. 14. All expenses arising for printing and distributing ballots, cards of explanation to officers of the election and voters, blanks, and all other proper and necessary expenses of any general or special election, including compensation of precinct election officers, shall be paid out of the county treasury as other county expenses; but, except in the case of November elections, shall be a charge against the township, city, village or political division in which such election was held, and the amount so paid by the county as above provided, shall be retained by the county auditor from the funds due to such township, city, village or political division, at the time of making the semiannual distribution of taxes; the county commissioners, township trustees, councils, boards of education, or other authorities authorized to levy taxes, shall make the necessary levy to meet such expenses, which levy may be in addition to other levies authorized or required by law; the amount of all such expenses shall be ascertained and apportioned by the deputy state supervisors to the several political divisions and certified to the county auditor. In the case of municipalities situated in two or more counties the proportion of expense charged to each of the counties shall be ascertained and apportioned by the clerk of the corporation, and certified by him to the several county auditors. [91 v. 243.]

PRINTING AND DISPOSITION OF BALLOTS.

Contracts for
printing.

Special elec-
tions.

Submission of
proof of
ballot.

(2966-28.) Sec. 15. The printing provided for in this act, except poll-books and tally-sheets, shall be let by the deputy state supervisors to the lowest responsible bidder in the county, upon ten days' notice published not more than three times in two leading papers of opposite politics published in such county, but in case of special elections the deputy state supervisors may give notice by mail addressed to all the printing offices within the county, instead of publishing said notice. After the letting of the contract for the printing of the ballots, the proper officer or board shall secure from the printer and exhibit to the chairman of the local executive committee of each party represented on the ballot, for inspection and the correction of any errors appearing thereon, a printed proof of the ballot to be printed for use at the election; the person to whom the contract for

printing the tickets is let, shall, in the presence of the deputy state supervisors, seal up securely in packages, one for each precinct in the county or municipality, as the case may be, the designated number of ballots to be printed for such precinct, and indorse thereon the number of ballots so printed and sealed up, and deliver the same to the deputy state supervisors at such time as they may direct. In election precincts composed of a township or a part thereof, or a municipality or a part thereof, there shall be provided for all elections, separate ballots, for each precinct, so as to enable electors residing in such precinct to cast their votes for the proper candidates in such precinct; and there shall be provided separate ballots for each school district portion of such precinct which shall contain the names of the candidates for members of the board of education for which electors residing in such precinct are entitled to vote. And when a municipality contains less than fifty voters in the same township, the deputy state supervisors may provide a separate ballot and ballot-box for such voters at the regular polling place in an adjoining precinct of the same county. [97 v. 229.]

Sealing and delivery of ballots.

Separate ballots for each precinct.

Municipalities containing less than fifty voters.

(2966-29.) Sec. 15a. Each proposal for printing, as provided for in the preceding section, must be accompanied by a bond, executed in due form by the bidder, with at least two good and sufficient sureties, satisfactory to the board of deputy state supervisors, in a sum double the amount of his bid, conditioned for a faithful performance, pursuant to contract, of such printing as may be awarded to him; and for the payment as liquidated damages by such bidder to the board of deputy state supervisors of any excess of cost over the bid or bids of such bidder which the board of deputy state supervisors may be obliged to pay for such work by reason of the failure of such bidder to complete his contract; the bond to be null and void if no contract be awarded to him. No bid unaccompanied by such bond shall be entertained by the board of deputy state supervisors. [91 v. 116.]

Bond of bidder for printing.

DELIVERY OF BALLOTS, POLL-BOOKS, ETC.

(2966-30.) Sec. 16. Not less than three days before an election the deputy state supervisors shall summon the presiding judge of election in each precinct in such county to appear forthwith and receive the necessary blanks, poll-books, tally-sheets, certificates, cards of instruction and ballots for such precinct, and shall deliver to such judge the sealed packages of ballots, blanks, poll-books and other required papers, all of which such judge shall safely deliver and have on hand at the polling place in his precinct before the time for the opening of the polls therein; provided, however, that in registra-

Delivery of ballots and other supplies required in conduct of elections.

Registration cities.

tion cities when the presiding judge or chairman is chosen at the meeting of the registrars and judges of election, on the evening preceding any November election pursuant to section 2926*n* of the Revised Statutes, or on the evening preceding any special election, it shall be the duty of such judge, immediately after such meeting, to call at the office of the board of deputy state supervisors for such packages, and the deputy state supervisors shall deliver the poll-books, tally-sheets, cards of instruction and other supplies herein mentioned to the presiding judge or chairman, and provided further, that in any city having a population of 300,000 or more the board of deputy state supervisors may, by resolution, provide for the delivery of ballots through the agency of the police force of such city; and provided further, if the judge summoned to receive and deliver the ballots and other books and papers does not appear, the deputy state supervisors shall send the ballots, books and other required papers to the election officers of the precinct so as to be received by them in time for the election. [97 v. 229.]

Delivery in cities having a population of 300,000 or more.

Delivery of supplies when judge summoned fails to appear.

Compensation of judges and clerks.

(2966-52.) Sec. 36. The judge of election called by the deputy state supervisors to receive and deliver ballots, poll-books, tally-sheets and other required papers, shall receive two dollars for such service, and in addition thereto mileage at the rate of five cents per mile to and from the county seat if he live one mile or more therefrom. The judge of the election carrying the returns to the deputy state supervisors, and the judge carrying the returns to the county or township clerk, or clerk or auditor of the municipality, shall receive like compensation. Judges and clerks shall each receive as compensation the sum of three dollars for their services for each election day; provided, however, that in cities where registration is required the compensation shall remain as now fixed by law, except that the chairman elected at the meeting for organization shall receive one dollar for calling for the sealed package of ballots. [97 v. 237.]

Registration cities.

BALLOTS LOST, ETC.; HOW REPLACED.

Replacing of supplies lost or destroyed.

(2966-31.) Sec. 17. If, by any accident, or casualty, the ballots or other required papers delivered to any judge of elections or other messenger shall be lost or destroyed, it shall be the duty of such person charged with the custody thereof to report the loss at once to the deputy state supervisors from whom the same were obtained, and make affidavit of the circumstances of the loss, whereupon the deputy state supervisors shall at once resupply such person; in case such person fail or refuse to report and make proof of the loss, any qualified

elector may do so, and thereupon a new supply shall be sent by special messenger, as provided in other cases.

At the opening of the polls in each precinct, the seals of the packages shall be publicly broken, and the packages shall be opened by the presiding officer. The cards of instruction shall immediately be placed in each voting shelf or compartment provided in accordance with this act for the marking of the ballots, and in such other places as the election officers may select.

Opening of packages.

Where cards of instruction to be placed:

In case no ballots shall have been delivered at any polling place before the opening of the polls, or if extra ballots shall, at any time during the time the polls remain open, be required, it shall be the duty of the deputy state supervisors, upon a requisition, in writing, signed by a majority of the election judges of such precinct, wherein the reason for demanding such ballots shall be set out, to secure the same as speedily as possible, and, if necessary, extra ballots may be printed for this purpose; provided, however, that such ballots shall conform, as nearly as possible, to the original ballots, and the printing and the care of the same shall be under the same provisions and penalties as the printing and care of the other ballots; and if, from any cause, neither the official ballots nor ballots otherwise prepared as above prescribed shall be ready for distribution at any polling place, or if the supply of ballots shall be exhausted before the polls are closed, unofficial ballots may be used, so that no elector, for lack of a ballot, shall be deprived of his franchise. [97 v. 230.]

Extra ballots.

When unofficial ballots may be used.

FORM OF BALLOT.

Sec. 3. The names of all candidates to be voted for on the first Tuesday after the first Monday in November, hereafter, shall be placed on the same ballot, arranged in single tickets or lists under the respective party, political or other designation certified, in the order and manner provided by law; provided that nothing in this section shall be construed to affect the provisions of "An act to secure a voice in school affairs to the women of Ohio on equal terms with men," passed April 24, 1894, or any special or general act providing for the election of school directors or members of boards of education and school councils. [97 v. 40.]

Ballots, how printed.

(2966-32.) Sec. 18. Every ballot intended for the use of electors, printed in accordance with the provisions of this act, shall contain the names of all the candidates whose nominations for any offices specified in the ballot have been duly made, and not withdrawn in accordance herewith, arranged in tickets or lists under the respective party or political or other designation certified. In elections for presidential electors, the names of the candi-

Contents of ballot.

dates for president and vice president shall be placed on the ticket by the secretary of state immediately following the name of the party and preceding the names of the presidential electors.

Arrangement
of tickets or
lists of
candidates.

The arrangement of the ballot shall, in general, conform as nearly as practicable to the plan hereinafter given. The tickets of the various political parties shall be printed in parallel columns, headed by the chosen devices upon a shaded background, and the party names in such order as the secretary of state may direct, precedence, however, being given to the political party which polled the highest number of votes for the head of the ticket in the next preceding general election, and so on. The tickets or lists of candidates nominated by nomination papers, with their party names or designations shall be printed at the right of and parallel with the tickets of political parties in such order as the secretary of state may direct; precedence, however, being given in the order above prescribed for party tickets. No ticket or list of candidates shall be printed under the name of any party containing more candidates for any office than are to be elected.

When ques-
tion is sub-
mitted.

Whenever the approval of any question other than a constitutional amendment is to be submitted to a vote of the people, such questions shall be printed on a separate ballot and deposited in a separate ballot-box to be presided over by the same judges and clerks.

Form of
ballot.

The ballot shall be so printed as to give each elector a clear opportunity to designate by a cross mark in a large blank circular space three-quarters of an inch in diameter below the device and above the name of the party at the head of the ticket or list of candidates, his choice of a party ticket and desire to vote for each and every candidate thereon; and by a cross mark in a blank inclosed space on the left and before the name of each candidate, his choice of particular candidates.

Indorsement.

On the back shall be printed, "official ballot," the date of the election, and facsimile of the signatures of the officers who have caused the ballots to be printed.

Printing, per-
foration,
binding and
designation of
ballots.

The ballots shall be printed on the same leaf with a double stub, and separated therefrom by a perforated line, and shall be bound with the stub attached thereto, into books, or blocks, one for each voting precinct, which book or block shall contain at least twice as many ballots as there were votes cast at such precinct at the preceding general election; upon the covers of such books or blocks shall be printed the designation of the precinct for which the ballots have been prepared.

Main stub.

The main stub shall be printed as follows: Consecutive number—[after these words the consecutive number

shall be printed, beginning with one and increasing in regular numerical order]; provided, however, that the deputy state supervisors may direct that such consecutive numbers shall not be printed, but shall be written by the ballot officer before delivering the ballot to the elector.

Name of voter—[after these words the clerk shall write the voter's name.]

Residence—[after this word the clerk, in cities where registration is required, is to write the voter's residence.]

The secondary stub shall be printed as follows: Name of voter or registered number—[after these words the clerk, in precincts where the registration law is in force, shall write the registered number of the voter, and in other precincts the voter's name.]

**Secondary
stub.**

All ballots shall be printed on the best quality No. 2 book paper, in black ink, and with the exception of the heading which shall be in display, in brier type, the name or designation of the office in lower case, and the name of the candidate therefor in capital letters, with a space of at least one-fifth of an inch following each name; the name of each candidate shall be printed in a space defined by ruled lines, and with a blank square on its left inclosed by heavy dark line; if, upon any ticket, there be no candidate or candidates for a designated office, a blank space equal to the space that would be occupied by such name or names, if they were printed thereon, with the blank spaces herein provided for, shall be left. The heading of each party ticket, including the name of the party, the device above and the large circle between the device and such name, shall be separated from the rest of the ticket by a heavy line, and the circle above the name of the party in which the voter is to place the cross mark, if he desires to vote the straight ticket, shall be defined by heavier lines than the lines defining the blank spaces before the names of candidates, and such circle shall be surrounded by the following words printed in heavy face nonpareil type: "For a straight ticket mark within this circle."

**General pro-
visions rela-
tive to print-
ing of ballots.**

Each party ticket shall be separated from other party tickets and bordered on either side by a heavy border or a broad solid line at least one-eighth of an inch wide, and the edges of the ballot on either side trimmed off up to the border or solid line described. [97 v. 231.]

**Separation of
party
tickets by
borders.**

Consecutive number

Name of voter

Residence

.

Name or registered number of voter.....

[illegible]

BOOTHS, GUARD-RAILS, ETC.

(2966-33.) Sec. 19. The deputy state supervisors shall provide a sufficient number of voting shelves at which electors may conveniently mark their ballots, so that in the marking thereof they shall be protected from the observation of others by cloth screens or other device, extending from the top of the booth to a level with or below the voting shelf, and a guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot-boxes or of such voting shelves. The arrangements shall be such that neither the ballot-boxes nor the voting booths shall be hidden from view of those outside of the said rail. The number of such voting shelves shall not be less than one for every seventy-five electors qualified to vote at such polling place. No person other than the judges of election and such officers as are provided for by the statutes of this state or of the United States, and electors admitted as herein provided, shall be permitted within said rail, except by authority of the election officers, for the purpose of keeping order and enforcing the law. Each voting shelf shall be provided with proper supplies and conveniences for marking the ballot. After each election the judges of elections shall see that the booths, guard-rails and other equipments are returned to the clerk or auditor of the township or corporation in which the precinct is situated, for safe keeping, and it shall be the duty of such clerk or auditor to have such booths and equipments on hand and in place at the polling place in each precinct before the time for opening the polls on election day, and for this service the deputy state supervisors may allow the necessary expense incurred; provided that in registration cities this duty shall devolve on the board of deputy state supervisors. [97 v. 234.]

Voting shelves and guard-rails; arrangement of.

Arrangement of ballot-boxes and voting booths.

Number of shelves required.

Who permitted within rail.

Supplies for marking ballots.

Return of booths, guard-rails, etc.

Placing of such equipment for elections.

CHALLENGERS—OATH.

(2966-34.) Sec. 20. Two challengers may be appointed by the precinct committeeman of each political party having candidates to be voted for at such election, who shall be admitted to the polling place for the purpose of challenging electors in such precincts where the voters are not registered, and they may keep tally of the electors voting; and in all special elections when no candidates are to be elected, the judges of election in each precinct shall at least one day before the election, appoint and make public two known representatives of each side of the question to be submitted, as challengers; the challengers shall serve without compensation from the county, city, village or township, and shall take the following oath, to be administered by one of the judges of election:

Appointment and privileges of party challengers.

Oath of challengers.

You do solemnly swear (or affirm) that you will support the constitution of the United States and of this state; that you will faithfully and impartially discharge the duties as official challenger, assigned by law; that you will not cause any delay to persons offering to vote further than is necessary to procure satisfactory information of the qualification of such person as elector, and that you will not disclose or communicate to any person how any elector has voted at such election.

Challenges.

Any voter may be challenged by any challenger, judge or clerk of the election, and, if challenged, shall establish his right to vote as now provided by law. Any elector of the precinct may notify the judges of election, in writing, that he challenges the right of any person or persons to vote, giving the reason, and such person or persons shall be deemed challenged as above. [97 v. 234.]

BALLOT—HOW PREPARED.**Entry of name, residence and registered number of elector upon stubs of ballot.**

(2966-35.) Sec. 21. Any person desiring to vote and legally entitled to vote at such election shall give his name, and in precincts where the registration law is in force his residence to the election officer holding the ballots, who shall write the same upon the main stub of the ticket in the blank space provided therefor. Such officer shall then mark upon the secondary stub the elector's registered number in all precincts in which a registration law is in force, and in all other precincts the elector's full name.

Delivery of ballot to elector.

One of the election officers shall then detach the ballot, with the secondary stub attached, from the main stub, fold the same, and shall hand it to the elector, and the elector shall be allowed to enter the place inclosed by the guard-rail. The officer shall give him one, and only one ballot.

General provisions relating to preparation of ballot.

On receipt of his ballot, the elector shall forthwith, and without leaving the inclosed space, retire alone to one of the voting shelves, and without undue delay unfold and mark his ballot as hereafter described. No elector shall be allowed to occupy a voting shelf already occupied by another, or to occupy a voting shelf for more than five minutes, in case all the shelves are in use and electors waiting to occupy the same, or to speak to or converse with any one, except as herein provided while within the guard-rail. All marks upon the ballot must be made by black lead pencil. If an elector soil or deface a ballot so that it cannot be used, he may successively obtain others, one at a time, not exceeding in all three, upon returning each ballot so soiled or defaced, which shall be immediately destroyed; provided, if an elector who has defaced three ballots, shall satisfy the judges that the same were defaced by accident or honest mis-

take, and not for any fraudulent purpose, the judges shall deliver him another ballot and help him mark the same.

The elector shall observe the following rules in marking his ballot:

Rules for marking.

1. If the elector desire to vote a straight ticket, or in other words for each and every candidate of one party for whatever office nominated, he shall, either,

For a straight ticket.

(a) Make a cross mark in the circular space below the device and above the name of the party at the head of the ticket; or,

(b) Make a cross mark on the left of and opposite the name of each and every candidate of such party in the blank space provided therefor.

2. If the elector desire to vote a mixed ticket, or in other words, for candidates of different parties, he shall, either,

For a mixed ticket.

(a) Omit making a cross mark in the circular space above the name of any party, and make a cross mark in the blank space before the name of each candidate for whom he desires to vote on whatever ticket he may be; or,

(b) Make a cross mark in the circular space above the name of a party, some of whose candidates he desires to vote for, and then make a cross mark before the name of any candidate of any other party for whom he may desire to vote; in which case, the cross mark in the circular space above the name of a party will cast the elector's vote for every candidate on the ticket of such party, except for offices for which candidates are marked on other party tickets, and the cross marks before the names of such candidates will cast the elector's vote for them; provided, that where two or more persons for the same office are to be voted for in any precinct, as two or more representatives or other officers, and the names of several candidates therefor appear on each party ticket grouped under the office for which all are running, the elector who has marked a ticket in the circular space at its head, and marked one or more of a group of candidates for such office on another ticket or tickets, must in addition to marking the ticket in the circular space at its head, also make a cross mark before each one of the group of candidates for such office for whom he desires to vote on the ticket thus marked; or instead of marking the candidates for such office he desires to vote for on the ticket marked by him, he may erase the names of candidates for such office whom he does not desire to vote for on the ticket thus marked by him to the number of candidates for such office marked by him on other party tickets, in which case his vote shall be counted for the candidates for such office not erased; and provided, further, if an elector who has thus marked a party ticket in

When two or more persons are to be elected to the same office.

the circular space at the head thereof and marked one or more candidates on another ticket or tickets for an office for which there are more than one candidate on his own party ticket, fail or neglect to indicate either by individual marks or by erasures, as aforesaid, which of the several candidates for the same office on his own party ticket he desires to vote for, then and in such event, the vote shall be counted only for the candidate or candidates for that office that have the distinguishing mark before his or their names.

Surplus
marks.

If, in marking either a straight or a mixed ticket as above defined, a cross mark is made in the circular space above the name of a party at the head of the ticket, and also one or more cross marks made before the name or names of candidates on the same ticket for offices for which candidates on other party tickets are not individually marked, such marks before the names of candidates on the ticket so marked, shall be treated as surplusage and ignored, and the ballot be counted for all the candidates on the ticket thus marked for offices for which no candidates on other tickets are marked; but this provision is subject to the exception in the proviso in the last paragraph, where two or more persons for the same office are grouped on party tickets.

Submission of
question.

In the case of a question submitted, the elector shall make a cross mark in the blank space on the left of and before the answer which he desires to give.

Substitution
of name of
person not
on ticket.

If the elector desires to vote for any person whose name does not appear on the ticket, he can substitute the name by writing it in black lead pencil or black ink in the proper place, and making a cross mark in the blank space at the left of the name so written.

When ballot
not to be
counted for
certain office.

If the elector mark more names than there are persons to be elected to an office, or if, for any reason, it is impossible to determine the voter's choice for an office to be filled, his ballot shall not be counted for such office.

Disregard of
technicalities.

No ballot shall be rejected for any technical error which does not make it impossible to determine the voter's choice. [89 v. 444.]

Substitution
when no
nomination
made or name
of nominee
omitted;
marking of
ballot in such
case.

(2966-36.) Sec. 21a. If there should be no nomination for a particular office by any political party, or if, by inadvertence or otherwise, the name of a candidate regularly nominated by such party should be omitted from the ballot, and the elector desires to vote for some one to fill such office, he may do so by writing the name of the person for whom he desires to vote in the space underneath the heading or designation of such office and make a cross mark in the circle at the head of the ticket, in which case the ballot shall be counted for the entire ticket as though the name substituted had been originally printed thereon. [91 v. 119.]

BALLOTS—HOW CAST.

(2966-37.) Sec. 22. Before leaving the voting shelf the elector shall fold his ballot without displaying the marks thereon, and so as to conceal the same, but show the indorsements and facsimile of the signatures of the proper clerk or board, and keep the same so folded until he has delivered the ballot to the presiding officer.

Folding of ballot.

One of the election officers shall receive the ballot, detach the secondary stub bearing the elector's registered number or name, and examine such stub for the purpose of identification, and deposit the ballot in the ballot-box; the secondary stub shall be preserved until the polls are closed and shall then be destroyed before the ballot-box is opened; the elector shall mark and vote his ballot without undue delay, and shall leave said inclosed place as soon as he has voted.

Receipt of ballot; disposition of secondary stubs; regulation as to marking and voting.

No elector, not an election officer, shall be allowed to re-enter said enclosed place during said election except for the purpose of voting. No more electors shall be allowed to enter within said rail at any one time than there are voting shelves provided. It shall be the duty of the judges of election to secure the observance of the provisions of this section.

Who permitted to re-enter enclosed place; number of electors permitted within rail at one time.

Every elector who does not vote a ballot delivered to him by the ballot officer shall, before leaving the polling place, return such ballot to such officer.

Return of unvoted ballots.

Any elector who declares to the presiding judge of election that he is unable to mark his ballot by reason of blindness, paralysis, extreme old age or other physical infirmity, and such physical infirmity is apparent to the judges to be sufficient to incapacitate the voter from marking his ballot properly, may, upon request, receive the assistance in the marking thereof of two of the judges of election, belonging to different political parties, and they shall thereafter give no information in regard to the matter. But such assistance shall not be rendered for any other cause which the voter may specify, and the presiding judge may require such declaration of disability to be made by the elector under oath before him.

Assistance of judges in marking ballot.

No ballot without the official endorsement shall be allowed to be deposited in the ballot-box, and none but ballots provided in accordance with the provisions of this act shall be counted. [92 v. 148.]

Ballots permitted to be deposited and counted.

POLLS CLOSED—UNUSED BALLOTS DESTROYED.

(2966-38.) Sec. 23. The county executive committee of each party having a ticket to be voted at an election may designate a suitable person to be present as inspector and witness and inspect the counting of the

Appointment and privileges of party inspector.

Special elec-
tions.

Who admitted
to polling
place.

Certificate
and procla-
mation of
vote cast.

Destruction of
unvoted
ballots.

votes in each precinct, and who shall be admitted to said voting place, and who shall be entitled to a copy of the certificates provided for in this act; and in all special elections where there are no candidates to be elected, the judges of election shall at least one day before the election appoint and make public one known representative of each side of the question to be submitted, as inspector; but no other person except the election officers shall be admitted to said polling place before or after the count begins. Immediately upon the close of the polls, the number of electors entered and shown on the poll-books as having voted, shall be first certified therein and signed by the board of judges and the clerks; and before any other or further proceedings the president or chairman of the board shall make proclamation in a loud voice outside of the polling room, stating the number of voters so shown and certified on the poll-books. Thereupon the judges shall, in the presence of the clerks and inspectors above provided for, destroy the ballots remaining unvoted. [97 v. 235.]

CANVASS OF VOTES.

Opening of
ballot-box;
counting of
ballots.

Excess of
ballots to be
destroyed.

Minute of de-
stroyed bal-
lots.

Completion of
count.

(2966-39.) Sec. 24. The ballot-box shall then, without any adjournment or delay be opened, and without opening any ballot or ascertaining its contents, the number of ballots shall first be counted. If the number of ballots exceeds the number of names on the poll-books, the ballots shall be replaced in the box, and one of the judges shall, with his back to the box and without seeing it, draw out, without showing them, and destroy a number of ballots equal to the excess. And, if during the counting of the ballots or at the conclusion of the counting, an excess of ballots be discovered, all the ballots shall be returned to the box, and after being thoroughly mingled the excess shall, in the manner directed above, be drawn out and destroyed, and the count corrected accordingly. In all cases where ballots have thus been drawn out and destroyed, a minute of the number destroyed and the reason, shall be made on the tally-sheet. The ballots shall then be taken out, one at a time, by one of the judges, who shall read aloud distinctly, while the ticket remains in his hands, the name or names voted for thereon, except that a straight ticket may be announced as such and be so counted, and then delivered to the second judge, who shall examine the same and pass it to the third judge, and so on to the fourth, who shall preserve it; and the same method shall be observed in respect to each of the tickets taken out of the ballot-box until all the ballots have been taken out of the ballot-box. The clerks shall enter in separate columns by tallies under or opposite the names of the persons voted for, as provided in the form of tally-sheets, all the votes thus

read by the judges. After the examination of the ballots has been completed the number of votes for each person shall be enumerated under the inspection of the judges, and set down as provided in the form of the tally-sheets; when the result of the ballot is ascertained it shall immediately be announced by one of the judges in front of the polling place, and a copy thereof certified by the judges and clerks posted on the front of the polling place, and a certified copy thereof given to the persons hereinafter designated as being entitled to be present at the counting of the votes. When all these requirements are complied with the judges shall, in the presence of the clerks and the inspectors, destroy by burning the ballots so read and counted, provided, however, if there are any ballots cast and counted or left uncounted concerning the legality of which there is any doubt or difference of opinion in the minds of the judges of election, said ballots shall not be destroyed, but sealed up and returned to the deputy state supervisors with the returns of the election for such judicial or other investigation as may be necessary, with a true statement as to whether they have or have not been counted, and if counted, what part and for whom. [97 v. 235.]

Proclamation
of result.

Destruction of
ballots
counted.

Preservation
of disputed
ballots.

(2966-40.) Sec. 25. After canvassing the votes, in addition to the requirements of section 8 of the supervisory election law, the judges and clerks in each precinct shall make out the returns of the election in duplicate, sign and certify one of the poll-books and tally-sheets thereof, and immediately transmit the same to the deputy state supervisors by the presiding judge or such other judge as he may designate; the other poll-book and tally-sheet signed and certified in like manner, shall be forthwith deposited with the clerk of the township or the clerk or auditor of the municipal corporation, as the case may require, by another judge designated by the presiding judge, to be preserved one year after the date of such election. Such returns shall be securely sealed up in an envelope and addressed transversely upon the upper end thereof to the proper officer with whom they are to be deposited, with the designation of the township, precinct and county; provided, that in registration cities such delivery shall be made as now provided by law. From the time the ballot-box is opened and the count of votes begun, until the votes are counted and the returns made out, signed and certified as required by law, and delivered to the judges selected for such duty for transmission, the judges and clerks of the precincts shall not separate, nor any judge or clerk leave the polling place except from unavoidable necessity, under penalty of a fine of not less than fifty nor more than one hundred dollars. [97 v. 236.]

Making,
transmission
and preservation
of re-
turns, tally-
sheets and
poll-books.

Registration
cities.

Period during
which judges
and clerks
shall not sep-
arate or leave
polling place
under penalty.

PRINTING FALSE BALLOT.

Penalty for offenses pertaining to printing or use of ballots.

(2966-41.) Sec. 26. Any printer employed to print the official ballots, or any person engaged in printing the same, who shall print or cause or permit to be printed, any official ballots printed otherwise than according to the copy for the same furnished him by the said clerk or board of elections, or any false or fraudulent ballots, or who appropriates to himself or gives or delivers or knowingly permits to be taken any of said ballots by any other person than the said clerk or board, or who knowingly and wilfully seals up or causes or permits to be sealed up or delivers to the said clerk or board, a less number of ballots than the number indorsed thereon; and any person who shall knowingly have in his possession any official ballot illegally obtained, or shall knowingly attempt to vote any other than an official ballot lawfully obtained, shall be deemed guilty of a misdemeanor, and be fined not less than two hundred and fifty nor more than one thousand dollars, or be imprisoned not less than thirty days nor more than six months or both. [89 v. 449.]

Penalty for offenses pertaining to custody or delivery of ballots, blanks, poll-books, cards of instruction, etc.

(2966-42.) Sec. 27. Any judge or clerk of election, or printer or other person entrusted with the custody or delivery of ballots, blanks, poll-books, cards of instruction or other required papers, who shall unlawfully open or permit to be opened, any sealed package containing ballots, or who shall give or deliver to any person not lawfully entitled thereto, or shall unlawfully misplace or carry away, or shall negligently lose, or permit to be taken from him, or fail to deliver, or shall, except as in this act provided, destroy any such package of ballots, or any ballot, blank, poll-book, card of instruction, or other required paper, shall be fined not less than one hundred dollars, nor more than one thousand dollars, or imprisoned in jail not more than one year, or both. [89 v. 449.]

DESTROYING, DEFACING BALLOTS, ETC.

Penalty for offenses pertaining to certificates of nomination, nomination papers, letters of withdrawal, ballots, cards of instruction, supplies for marking ballots, delaying voters, etc.

(2966-43.) Sec. 28. Any person who shall falsely make or wilfully deface or destroy any certificate of nomination, or nomination papers, or any part thereof, or any letter of withdrawal, or sign any such certificate or paper contrary to the provisions of this act, or file any certificate of nomination, or nomination paper or letter of withdrawal, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination or nomination paper, or any part thereof, which has been duly filed, or forge or falsely make the official endorsement on any ballot; or shall wilfully deface, tear down, remove or destroy any card of instructions or

specimen ballot printed and posted for the instruction of voters, or during an election wilfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot, or shall wilfully destroy or deface any ballot, or shall take or remove or be found in the possession of any ballot outside of the inclosure provided for voting before the close of the polls, or shall wilfully hinder or delay the delivery of any ballots, or shall wilfully hinder or delay the voting of others, shall be punished by a fine of not less than one hundred dollars and not more than one thousand dollars, or imprisonment in jail not more than one year, or by both fine and imprisonment. [89 v. 449.]

MISLEADING VOTER—PENALTY.

(2966-44.) Sec. 29. Any judge or clerk who shall mislead an illiterate voter or a voter who is blind or for any reason unable to prepare his ballot, or who shall prepare a ballot for such voter otherwise than is directed by him, or who shall disclose to any person, except when legally required to do so, how such voter directed his ballot to be prepared, or how he voted, shall be fined not less than one hundred nor more than one thousand dollars, and imprisoned in jail not less than three nor more than twelve months. [89 v. 450.]

Penalty for misleading voter, or disclosing how he voted.

PENALTY—EXPOSING BALLOT, DECEIVING ELECTOR, ETC.

(2966-45.) Sec. 30. Any elector who shall, except as otherwise herein provided, allow his ballot to be seen by any person, with an apparent intention of letting it be known how he is about to vote, or shall purposely mark his ballot so it may be identified after it has been cast, or who shall make a false statement as to his inability to mark his ballot, or any election officer who shall deceive any elector in marking his ballot, or mark the same in any way other than as requested by such elector, under the provisions of this act, or any person who shall interfere, or attempt to interfere, with any elector when inside said inclosed place, or when marking his ballot, or shall attempt to speak or converse with any person while within the guard-rail, except as herein provided, or who shall endeavor to induce any elector, after voting, to show how he has marked his ballot, shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the jail not more than six months, or by both such fine and imprisonment. [89 v. 450.]

Penalty for offenses pertaining to marking of ballots, voting, etc.

PENALTY FOR NEGLIGENCE OF DUTY.

Penalty for violation, neglect, or wrong performance of duty, or disobedience, by public officer.

(2966-46.) Sec. 31. Any public officer upon whom a duty is imposed by this act who shall wilfully or negligently violate his said duty; or who shall wilfully neglect to perform such duty, or who shall wilfully perform it in such a way as to hinder the objects of this act, or who shall wilfully disobey any provisions of this act, shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in jail not more than one year, or by both such fine and imprisonment. [89 v. 450.]

Prosecution of violations.

(2966-47.) Sec. 31a. It shall be the duty of the prosecuting attorney of any county, upon the request of the state supervisor of elections, or at the instance of the deputy state supervisors of the county, to prosecute violations of this act. [91 v. 119.]

GIVING BRIBE.

Penalty for giving bribe.

(2966-48.) Sec. 32. Whoever, directly or indirectly, by himself, or through any other person, either,

1. Gives or lends, or offers or promises to give or lend, or to procure or endeavor to procure, any money or other valuable consideration, to or for any elector, or to or for any other person, to induce any elector to register or refrain from registering for any election, or to vote or refrain from voting at any election, or to vote or refrain from voting at such election for any particular person or persons, or questions or propositions, or on account of any such elector having registered or refrained from registering, or voted or refrained from voting, or voted or refrained from voting for any particular person or persons, or question or proposition; or,

2. Gives, offers or procures or promises to procure or endeavors to procure, any office, place or employment, to or for any elector or to or for any other person, in order to induce any elector to register, or refrain from registering, for any election, or to vote or refrain from voting at any election, or to vote or refrain from voting at such election for any particular person or persons, or questions or proposition; or,

3. Advances or pays, or causes to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same or any part thereof shall be used in bribery at any election, shall be fined not more than five hundred dollars, or imprisoned in the penitentiary not more than three years, or both. [89 v. 451.]

RECEIVING BRIBE.

(2966-49.) Sec. 33. Whoever, being an elector, directly or indirectly, by himself or through any other person, receives, agrees or contracts for, before, during or after an election, any money, gift, loan or other valuable consideration, office, place or employment, for himself or any other person, for registering or agreeing to register, or for refraining or agreeing to refrain from registering for any election, or for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting for any particular person or persons, or proposition or question, at any election, shall be fined not more than five hundred dollars or imprisoned not more than one year, or both. [89 v. 451.]

Penalty for receiving bribe.

INTIMIDATING VOTER.

(2966-50.) Sec. 34. Whoever, directly or indirectly, by himself or through any other person, makes use of, or threatens to make use of, any force, violence or restraint, or inflicts, or threatens to inflict, any injury, damage, harm or loss, or threatens to enforce the payment of a debt against, or to begin a criminal prosecution against, or to injure the business or trade of, or in any manner practices intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or to vote or refrain from voting for any particular candidate or candidates; or if any employer of laborers, or an agent of such employer, whether a corporation or otherwise, does any of the acts aforesaid, or threatens to withhold or reduce the wages of, or to dismiss from service any employe, in order to induce or to compel such employe to vote or refrain from voting for any particular candidate or candidates at any election; and whoever by any sort of duress, constraint or improper influence, or by any fraudulent or improper device or contrivance, impedes or prevents, or otherwise interferes with the free exercise of the elective franchise of any elector, shall be fined not more than two thousand dollars or imprisoned in the penitentiary not more than three years, or both. [89 v. 452.]

Penalty for intimidating voter, or impeding free exercise of elective franchise.

(2966-50.) Sec. 34a. Any person entitled to vote at a general election in this state shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed for a period of two hours between the time of opening and closing the polls; and such voter shall not because of so absenting himself be liable to any penalty; pro-

Voter may absent himself from employment to enable him to vote.

Penalty for refusing employe privilege to vote or subjecting him to penalty.

vided, however, that application for leave of absence shall be made prior to the day of the election; the employer may specify the hours during which said employe may absent himself as aforesaid. Any person or corporation who shall refuse to an employe the privilege hereby conferred, or shall subject the employe to a penalty because of the exercise of such privilege, or who shall, directly or indirectly, violate the provisions of this section, shall be deemed guilty of a misdemeanor and be fined in any sum not less than five (\$5.00) dollars nor more than one hundred (\$100.00) dollars. [94 v. 232.]

OFFENDER COMPELLED TO TESTIFY.

Legislation as to prosecutions under penal sections.

Competent witness in prosecution for bribery, intimidation, or impeding or preventing free exercise of elective franchise.

Forfeiture of office for giving bribe.

Disfranchisement for receiving bribe.

(2966-51.) Sec. 35. Prosecutions under all the penal sections of this act and of the Revised Statutes pertaining to the conduct of elections, must be commenced within six months after the commission of the act complained of. A person offending against any provision of sections 32, 33 and 34 of this act is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing or investigation, in the same manner as any other person. But the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying. A person so testifying shall not be liable thereafter to indictment, prosecution or punishment, for the offense with reference to which his testimony may be given, and may plead or prove the giving of testimony accordingly, in bar of such indictment or prosecution. When a person is convicted of any offense described in section 32 of this act, he shall, in addition to the punishment therein prescribed, forfeit any office to which he may have been elected at the election with reference to which such offense was committed, and when a person is convicted of any offense mentioned in section 33 of this act, he shall, in addition to the punishment therein prescribed, be excluded from the rights of suffrage for a period of five years after such conviction. [89 v. 452.]

LEGAL HOLIDAY.

Legal holiday.

Section 6. The first Tuesday after the first Monday in November of each year, from and between the hours of five-thirty o'clock a. m. and nine o'clock a. m., shall be, for election purposes only, a legal part holiday. And no person who is an elector shall be compelled or required to perform any labor between said hours, nor shall any employer or his or its officers or agents discharge any such person because he fails or refuses to labor between said hours, or require or order such employe to accompany him to the voting place of such employe;

and any person violating any of the provisions of this act, shall, upon conviction be fined not more than twenty-five dollars. [97 v. 238.]

ABSTRACTS AND RETURNS.

Sec. 2980. In not less than one nor more than five days after the election, or sooner, in case the returns are made, the deputy state supervisors shall proceed to open the several returns made to them and make abstracts of the votes in the following manner, viz.:

Opening returns and making abstracts of votes.

1. Upon a single sheet, an abstract of votes for governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state and attorney-general.

2. Upon another sheet, an abstract of votes for governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, attorney-general, state commissioner of common schools, member of the board of public works, judge of the supreme court, clerk of the supreme court, dairy and food commissioner and representatives to congress.

3. And upon another sheet, an abstract of votes for governor, lieutenant-governor, secretary of state, treasurer of state, attorney-general, state commissioner of common schools, member of the board of public works, judge of the supreme court, clerk of the supreme court, dairy and food commissioner, judge of the circuit court, judge of the common pleas court, representative to congress, senators and representatives to the general assembly, judge of the probate court, clerk of the common pleas court, sheriff, county auditor, county commissioner, county treasurer, county recorder, county surveyor, prosecuting attorney, infirmary director and coroner. [90 v. 279.]

(2981-1.) That whenever any judge of any court of this state, representative of the general assembly, or other district or county officer, is to be elected at any April or special election, the judges of such election shall make return of the poll-books of such election to the deputy state supervisors of their respective counties, and they shall, on the sixth day or sooner in case the returns are all made, proceed to open such returns and make an abstract of the votes cast for such officers, and make and deliver to the person or persons elected certificates of their election. Provided, however, if such officer is to be elected by two or more counties joined in the same circuit or district, then the deputy state supervisors of the county or counties comprising such circuit or district, excepting the chief deputy state supervisor of the county in such circuit or district having the largest population, shall, within eight days after such election, transmit by mail to the deputy state supervisors of the county in such circuit or district having the largest population an

Returns, abstracts and certificates of certain officers elected at special elections.

When two or more counties joined in same circuit or district.

abstract showing the number of votes given in each precinct in their respective counties for each person who received votes for any office to be filled by such circuit or district; such abstract shall be attested by the chief deputy state supervisor and clerk of the board, and inclosed in an envelope, so indorsed as to show distinctly that it is an abstract of votes, for what office or offices, and from what county the same was transmitted; and such abstract shall be canvassed by the deputy state supervisors to whom transmitted, who shall incorporate the same in an abstract with returns from the precincts of their county for such office or offices, and make and transmit to the person or persons elected certificates of their election. [90 v. 281.]

Provisions relating to poll-books, abstracts and validity of returns.

Sec. 2982. The deputy state supervisors shall not receive any paper as a poll-book of any precinct unless it be delivered to them by one of the judges of the election held in such precinct; and, in making the abstract of votes, they shall not decide on the validity of the returns, but shall be governed by the number of votes stated in the returns; and they shall certify and sign the abstracts and deposit the same in the office of the deputy state supervisors. [90 v. 279.]

Making and transmission of certain copies of abstracts.

Sec. 2983. The deputy state supervisor shall make and certify duplicate copies of abstract number one, and inclose and seal the same, and indorse on the envelope "Certificate of the votes for governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state and attorney-general" (either or all as the case may be), and the name of the county in which the votes were given; and shall direct and forward one copy thereof by mail to the president of the senate, at Columbus, and shall deliver the other copy to a member of the general assembly, who shall deliver the same to the president of the senate, at Columbus; and shall also forthwith make, certify, seal and indorse, in manner aforesaid, a copy of abstracts numbers two and three, and transmit the same by mail to the secretary of state, at Columbus. [90 v. 280.]

When president of the senate to open and publish abstracts.

Sec. 2984. The president of the senate shall, during the first week of the session of the general assembly, open and publish the abstracts of votes by him received, in conformity to third section of the third article of the constitution of the state; but if the abstract from any county has not been received by him, recourse shall be had to abstract number two or three, in the office of the secretary of state. [50 v. 311, § 21.]

Sec. 2985. If the general assembly of the state should not be in session in January, previous to the second Monday thereof, next after an election for all or any of the executive officers of the state, the governor and secretary of state shall, within five days thereafter, in the office of the secretary of state, in the presence of at least two of the judges of the supreme court, open the returns of abstract number two, made to the secretary of state, for said offices; and if such returns have not been received from all the counties, recourse shall be had, for such delinquent counties, to the returns of the abstract number three; and they shall forthwith proceed to ascertain the number of votes given for the different persons, for the several offices of governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, and attorney-general, as the case may be; and the persons having the highest number of votes for any of said offices shall be considered duly elected, and shall be so declared by the governor; but if it appear, from the returns of abstracts aforesaid, that two or more persons have the highest and an equal number of votes for any of said offices, the governor shall communicate such fact to the general assembly, by message, at its first session thereafter. [82 v. 52.]

If general assembly not in session who to open and canvass certain returns of election, and how.

Sec. 2986. Within ten days after the first day of December next after such election, the governor and secretary of state shall, in the office of the secretary of state, in the presence of the auditor of state and attorney-general open the returns of abstract number two, made to the secretary of state, for state commissioner of common schools, member of the board of public works, judge of the supreme court, clerk of the supreme court, and representatives to congress for each congressional district; and if it appear that returns have been received from all the counties, agreeably to the provisions of this chapter, the governor and secretary of state shall forthwith proceed to ascertain the number of votes given for the different persons for such offices. [50 v. 311, § 24.]

When governor and secretary of state to canvass certain returns.

Sec. 2987. If such returns have not been received from all the counties, and returns of abstract number three have been received by the secretary of state from the delinquent counties, agreeably to the provisions of this chapter, the governor and secretary of state shall be governed, so far as relates to such delinquent counties, by the last mentioned abstracts; and the persons having the highest number of votes for the respective offices named in section twenty-nine hundred and eighty-six shall be considered duly elected; and the secretary of state may open the returns of abstract number three as they are severally received by him. [50 v. 311, § 25.]

When other returns may be used in the canvass.

Vacancy in office of representative to congress and members of general assembly—how filled.

Sec. 2988. Whenever a vacancy happens in the office of representative to congress, or senator or representative to the general assembly, the governor shall, upon satisfactory information thereof, issue a writ of election, directing that a special election be held to fill such vacancy, in the territory entitled to fill the same, on a day which shall be specified in the writ; such writ shall be directed to the sheriff or sheriffs within such territory, who shall give notice of the time and places of holding such election, as in other cases; and such election shall be held and conducted, and returns thereof made, as in case of a regular election. [50 v. 311, § 28.]

Making, filing and transmission of certified copies of abstracts in election to fill vacancy in office of member of congress.

Sec. 2989. In any election for member of congress, to fill a vacancy, the deputy state supervisors of each county embraced in the district in which the election is held shall, within six days after the election, make, and certify an abstract, in duplicate, of the votes cast at such election in their county. Such deputy state supervisors shall file one copy of the abstract in their office and shall inclose the other in an envelope, so indorsed as to show distinctly that it is an abstract of votes, for what office and from what county, and transmit it, without delay, to the secretary of state; if the secretary of state fails to receive the abstract from any county within twelve days after such election, he shall forthwith notify the deputy state supervisors of such county thereof; and they shall, on receipt of the notice, forthwith make and transmit to the secretary of state a certified copy of the duplicate on file in their office. [90 v. 280.]

Votes to be canvassed by secretary of state.

Sec. 2990. The secretary of state shall, on the twenty-first day after the holding of such special election, or sooner, if all the returns have been received, in the presence of the governor, or, in his absence, in the presence of the auditor and treasurer of state, (who are required to attend forthwith at the office of the secretary of state, on notice given by the secretary), open the abstracts, and canvass the votes; and the person having the greatest number of votes shall be declared duly elected, and the governor shall forthwith transmit to him by mail a certificate of his election. [50 v. 311, § 30; S. & C. 538.]

Tie votes for congressman to be decided by lot.

Sec. 2991. If it appears from the returns of abstracts that two or more persons, in any congressional district, have the highest and an equal number of votes for representative to congress, the governor and secretary of state shall decide by lot which of said persons is duly elected; and the governor shall transmit to each person so elected a certificate of his election, which certificate

shall be signed by the governor, sealed with the great seal of the state, and countersigned by the secretary of state. [50 v. 311, § 26; S. & C. 537.]

Sec. 2992. In cases where the returns of abstracts from all the counties composing a congressional district are not made within the time required by law, and in cases where any of them are made after the certificate of election has been forwarded to the person who, according to the abstracts received, has the highest number of votes, the secretary of state shall, in the presence of the governor, or, if he is absent, in the presence of the auditor and treasurer of state, when such abstracts shall have been received, open the same, and the governor shall certify them to the speaker of the house of representatives of the United States. [50 v. 311, § 50; S. & C. 542.]

When abstracts to be recanvassed, and other certificates issued.

Sec. 2994. When two or more counties are joined in a judicial district, or in a judicial, senatorial or representative district, the deputy state supervisors of each county of such circuit or district having a population not the largest shall make and, within eight days after the day of election transmit by mail to the deputy state supervisors of the county in the circuit or district having the largest population an abstract showing the number of votes given in each election precinct in such county for each person who received votes for any office to be filled by the circuit or district; such abstract shall be attested by the deputy state supervisors and enclosed in an envelope so indorsed as to show distinctly that it is an abstract of votes, for what offices, and from what county; and it shall be opened and canvassed, as provided in section 2980, by the deputy state supervisors to whom transmitted, who shall incorporate the same in an abstract with the returns from the precinct of their county for such offices, and shall make and transmit to the persons elected certificates of their election. [90 v. 280.]

Making and transmission of certified copies of abstracts and certificates of election in circuits and districts.

CONSTITUTIONAL AMENDMENTS AND OTHER QUESTIONS.

AN ACT

To regulate voting in cases where statute provides for a vote being taken on any question, but is silent as to number of votes necessary to authorize the act voted upon.

Number of votes necessary to authorize performance of act when statute providing for submission of question is silent.

(2996-1.) That in any and all cases where it is provided by statute that any question shall be submitted to the qualified voters of any township, village, county or city in the state of Ohio, and the statute so providing is silent as to the number of votes necessary to authorize the performing of the act voted upon, such statute shall be held to mean that a majority of all the qualified voters voting at said election must vote in favor thereof in order to authorize the same. [90 v. 130.]

Submission of question when special election not provided for.

(2996-2.) Unless the act so providing for the submitting of any question to the qualified voters of any township, county, village or city also provides for the calling of a special election for that purpose, no special election shall be so called, and the question so to be voted upon shall be submitted at a regular election in such township, county, village or city, and notice that such question is to be voted upon shall be embodied in the proclamation for such election. [90 v. 130.]

CONSTITUTIONAL AMENDMENTS.

Constitutional amendment; state convention of political party may take action in favor or against adoption of.

Certification of action to secretary of state, and printing upon ballot.

(2976-1.) Sec. 1. That whenever the approval of any constitutional amendment is to be submitted to a vote of the people, any state convention of a political party, which at the last preceding general election polled at least one per cent. of the entire vote cast in the state, may take action in favor of, or against the adoption of such constitutional amendment to be submitted at the next succeeding annual election, and shall certify such action to the secretary of state in the manner provided for certifying nominations for state officers, whereupon said action upon such constitutional amendment shall be printed upon the regular ballot at said election as a part of the party ticket of said party in the manner hereinafter provided.

Manner of printing on ballot.

(2976-2.) Sec. 2. Such constitutional amendment or amendments shall be stated in words sufficient to clearly designate the same, and such statement or statements shall be printed in a separate column on the regular ballot. On the line below such statement shall be printed the word "Yes," and on the next line below shall be printed the word "No" provided that said statement shall also be placed on the official ballot immediately below the names of the candidates for state offices on the regular ticket

of any party or parties certifying action thereon as provided in section 1 of this act, being followed by the word "yes" or the word "no" accordingly as affirmative or negative action shall have been certified thereon by said party or parties, and said statement of said amendment or question, with the action taken thereon by said party, shall thereupon become a part of said party ticket.

(2976-3.) Sec. 3. The elector shall observe the following rules in [marking] making the ballot.

How ballot to be marked.

1. He may make a cross in the blank space to the left of and before the answer he desires to give to the submission of any constitutional amendment, in the separate column devoted to said amendment, or he may make a cross mark in the blank space to the left of and before the statement, and answer thereto, of any constitutional amendment, as the same may be printed and certified on the ticket of any political party; whereupon, such mark shall cast his ballot for the answer opposite which it is made.

2. The voter may make a cross mark in the blank circular space at the head of any ticket upon which is printed the statement of any constitutional amendment or question, and the certified answer thereto, which mark shall cast his ballot for the certified answer to the submission of each and every constitutional amendment so printed on said ticket, unless he shall have specifically answered any of said constitutional amendments otherwise elsewhere on the ballot in the manner heretofore stated.

(2976-4.) Sec. 4. Save as otherwise provided herein, all of the provisions of title 15, chapter 2, of the Revised Statutes of Ohio, and all acts amendatory and supplementary thereto, shall apply to the election herein provided for, and all the provisions of said law, or laws, relating to the marking and counting of ballots for candidates, not inconsistent herewith, shall apply to the marking and counting of votes upon any constitutional amendment in any election held under the provisions of this act. [95 v. 352.]

Application of other laws.

Section 1. That at the general election to be held on the first Tuesday after the first Monday in November, 1905, the judges and clerks of election in each township, ward and precinct shall, in addition to the returns provided by law, at the same time make return of the vote cast for and against any proposed amendments that may be submitted to the voters of the state for adoption or rejection at such election.

Return of vote cast for or against constitutional amendment.

Section 2. A return, additional to the return now required by law to be made of the votes cast at such election for state officers and senators and representatives, and also for and against said proposed amendment

Return by deputy state supervisors of election to state supervisor of elections.

Canvass of
vote.

or amendments to the constitution, shall be certified and made by the deputy supervisors of election of each county to the state supervisor of elections, within ten days after said election; and within twenty days after said election the governor, secretary of state and attorney-general shall open said returns, and count the votes, and ascertain whether or not a majority of the votes cast at said election have been cast for said proposed amendment or amendments, or either of them; and if it appears that a majority of the votes cast at said election have been cast for said proposed amendment or amendments, or either of them, the governor shall make proclamation thereof without delay.

Publication
of proposed
amendments
to constitu-
tion.

Section 3. The state supervisor of public printing shall cause the amendments to the constitution proposed at the present session of the general assembly to be published once each week in not less than one newspaper of general circulation in each county of the state wherein a newspaper is published, once each week for six months, and until the first Tuesday after the first Monday of November, 1905, and in counties where newspapers of general circulation represent each of the two leading political parties, then such amendments shall be published in one newspaper of each political party once each week for six months, and until said first Tuesday after the first Monday of November, 1905; and in counties having a German newspaper of general circulation, once a week in a German newspaper for said time; and in counties having two German newspapers of opposite politics, of general circulation in the county, it shall be published in each of such German newspapers.

Charges for
publication.

Section 4. The charges for publication shall not exceed sixty per cent. of the rates established in section four thousand three hundred and sixty-six (4,366) of the Revised Statutes for legal advertising. The cost of publication shall be paid out of the state treasury from any money not otherwise appropriated, upon the warrant of the auditor of state, upon vouchers approved by the supervisor of public printing who shall make legal measurement of the matter published. [97 v. 484.]

FRAUDULENT BALLOTS.

When a name
printed on a
ticket fraudu-
lent.

Sec. 2952. When a ballot, with certain designated heading, contains, printed thereon in place of another, a name not found on the regular ballot having such heading, such name shall be regarded by the judges as having been placed thereon for the purpose of fraud, and the ballot shall not be counted for the name so found. [71 v. 31, §2.]

Sec. 2953. When two or more ballots are found folded or rolled together, it shall be conclusive evidence of their being fraudulent, and neither shall be counted. [50 v. 311, § 14.]

When two or more ballots are folded together.

Sec. 2954. If a ballot contain a greater number of names for any one office than the number of persons required to fill that office, it shall be considered fraudulent as to the whole of the names designated to fill such office, but no further. [50 v. 311, § 15.]

When a ballot contains too many names.

Sec. 2955. A ballot shall not be considered fraudulent for containing a less number of names than are authorized to be inserted. [50 v. 311, § 16.]

Ballots may contain less names than authorized.

INDICTMENT.

Sec. 7225. When an offense is committed in relation to any election, an indictment for such offense shall be deemed sufficient if it allege that such election was authorized by law, without stating the names of the officers holding the election, or the persons voted for, or the offices to be filled, at such election. [66 v. 302, § 98.]

How election to be averred.

Sec. 7226. Counts under sections seven thousand and forty-four, seven thousand and sixty-four, seven thousand and sixty-five, and seven thousand and sixty-six, may be joined in the same indictment against the same defendant, for acts committed with reference to the same election; and evidence offered on any one count shall be competent evidence to prove the intent charged in any other count of the indictment. [76 v. 75, § 6.]

Counts for bribery, etc., at elections may be joined.

CRIMES AND OFFENSES.

Sec. 6797. A person convicted of felony shall, unless his sentence be reversed or annulled, be incompetent to be an elector or juror, or to hold any office of honor, trust or profit in this state; the pardon of a convict shall effect a restoration of the rights and privileges so forfeited, or they may be restored as provided in section seven thousand four hundred and thirty-two; but a pardon shall not release a convict from the costs of his conviction, unless so stated therein. [78 v. 90.]

Convict incompetent to be an elector, or juror, unless pardoned or restored to citizenship.

Sec. 6798. A person who has been actually imprisoned in the penitentiary of any other state of the United States, under sentence for the commission of any crime punishable by the laws of this state by imprisonment in the penitentiary, is incompetent to be an elector or juror, or to hold any office of honor, trust or profit within this state, unless he shall have received a general pardon from the governor of the state in which he may have

Convict of other state disfranchised.

been imprisoned, agreeably to the laws thereof. [40 v. 30, § 1; 73 v. 127, § 33.]

Betting on election; how punished.

Sec. 6939. Whosoever makes any bet or wager, sells or purchases any pools, on the result of any election held under the laws of this state, or upon the election of any person to any office, post or situation, which by the constitution or laws of this state is made elective, or upon the election of president or vice-president of the United States, or of any elector of president or vice-president of the United States, shall be fined not more than five hundred nor less than five dollars, or imprisoned not less than ten days, or more than six months; and when the amount put at hazard is between said sums, the fine shall equal the amount so hazarded. Prosecutions under this section shall be commenced within one year from the time the offense is committed. [75 v. 57, § 11.]

No intoxicating liquors to be sold on election days and drinking places to be closed.

Sec. 6948. Whoever sells, or gives away, any spirituous, vinous, or malt liquors on any election day, or, being the keeper of a place where any such liquors are habitually sold and drank, fails on any election day to keep the same closed, shall be fined not more than one hundred dollars, and imprisoned not more than ten days. [61 v. 24.]

Offering bribes for votes at primary elections; penalty.

Sec. 7039. Whoever gives any money, property, fee or reward of any kind or nature, directly or indirectly, for the vote, or for the influence of any person in favor of or against any candidate for nomination at any election held under the provisions of law relating to primary elections, or at any primary election held by any political party, whether the same be held in pursuance of the laws relating to primary elections within this state, or otherwise, shall be fined not less than one hundred dollars, and be imprisoned in the penitentiary not more than two years. [86 v. 363.]

Attempting to intimidate electors or judges at such election.

Sec. 7040. Whoever, by threats, or otherwise, attempts to intimidate any elector, or any supervisor or judge of any election held under the acts mentioned in the last section, or in any manner interferes with or disturbs any such election, shall be fined not more than one hundred dollars, and imprisoned not more than thirty nor less than twenty days. [68 v. 29, § 6.]

Bribery of delegates or electors.

Sec. 7041. Whoever gives directly or indirectly any reward, fee, money or property to influence the vote of any delegate or any elector in favor of or against any candidate, or for any labor or service rendered to any candidate for nomination or election, or to be rendered to any candidate for nomination or election to any office whatever, or for any expense incurred, shall be fined not more

than five hundred dollars, and be imprisoned in the penitentiary not more than five years. [86 v. 363.]

Sec. 7042. A candidate for nomination to any office, before any convention held under the acts named in section seven thousand and thirty-nine, who pays, or promises to pay, directly or indirectly, any money or property, to any delegate, for the purpose of obtaining his influence or vote for such nomination in such convention, shall be fined not more than five hundred nor less than one hundred dollars, and, if nominated and elected to such office, shall be ineligible to hold the same, and shall be disqualified from voting or being nominated at any such election or convention. [71 v. 114, § 9.]

Candidate at such election paying or promising bribes.

Sec. 7043. A supervisor or judge of any such election who wilfully omits any duty imposed upon him by the provisions of chapter one, title fourteen, part first, and a person who votes at any such election, not being a citizen of the United States, or when he cannot become a qualified voter at such precinct at the next public election, or casts a ballot after objection has been made and sustained to his vote, or who votes more than once at any such election, at the same or a different precinct or poll, shall be fined not more than two hundred nor less than fifty dollars, or imprisoned in the county jail not more than sixty nor less than ten days, or both. [68 v. 29, §§ 4, 5.]

Penalties for omissions of duty and fraudulent voting.

Sec. 7045. The subsequent sections of this chapter apply to all public elections authorized by the laws of this state. [51 v. 421, § 1.]

To what elections subsequent sections applicable.

Sec. 7047. Whoever votes in any election precinct in which he has not actually resided for twenty days next preceding the election, or into which he shall have come for temporary purposes merely, shall be fined not more than five hundred dollars, or imprisoned not more than six nor less than three months. [73 v. 155, § 4.]

Voting, not being a resident of the precinct twenty days.

Sec. 7048. Whoever, being a resident of this state, votes in any county in which he has not been an actual resident for thirty days next preceding the election, shall be imprisoned in the penitentiary not more than three years nor less than one year. [65 v. 100, § 5.]

Voting, not being a resident of the county thirty days.

Sec. 7049. Whoever, being a resident of another state, votes at any election in this state, shall be imprisoned in the penitentiary not more than five years nor less than one year. [39 v. 13, § 7.]

Voting, not being a resident of this state.

Sec. 7050. Whoever votes more than once at the same election shall be imprisoned in the penitentiary not more than five years nor less than one year. [39 v. 13, § 6.]

Voting more than once at the same election.

Voting without a residence of one year; not being twenty-one years of age; not a citizen; convicted of crime and not pardoned.

Sec. 7051. Whoever votes at any election, not having been a resident of this state for one year immediately preceding the election, or not being twenty-one years of age, knowing that he is not of full age, or not being a citizen of the United States, knowing that he is not such citizen, or being disqualified by a conviction of crime, and not pardoned and restored to all the rights of a citizen, shall be imprisoned not more than six months nor less than one month. [39 v. 13, § 8.]

Procuring illegal vote.

Sec. 7052. Whoever counsels or advises another to give his vote, knowing that he has not been a resident of this state for one year immediately preceding the election, or at the time of the election he is not twenty-one years of age, or that he is not a citizen of the United States, or that by reason of other disability, he is not duly qualified to vote at the place where, or the time when, the vote is to be given, shall be fined not more than five hundred nor less than one hundred dollars, and imprisoned not more than six months nor less than one month. [39 v. 13, § 9.]

Procuring an elector to go or come into a county of which he is not a resident to vote.

Sec. 7053. Whoever procures, aids, assists, counsels, or advises another to go or come into any county for the purpose of giving his vote in such county, knowing that the person is not duly qualified to vote in such county, shall be imprisoned in the penitentiary not more than five years nor less than one year. [39 v. 13, § 10.]

Deceiving an elector who can not read.

Sec. 7054. Whoever furnishes an elector who cannot read, with a ticket, informing him that it contains a name different from those which are written or printed thereon, with intent to induce him to vote contrary to his inclination, or fraudulently or deceitfully changes the ballot of any elector, by which such elector is prevented from voting for such candidate as he intended, shall be imprisoned in the penitentiary not more than three years nor less than one year. [39 v. 13, § 12.]

Fraudulent voting.

Sec. 7055. Whoever, either before or after the proclamation is made of the opening of the polls, fraudulently puts a ballot or ticket into the ballot-box, shall be imprisoned in the penitentiary not more than three years nor less than one year. [67 v. 52, § 21.]

Judges postponing counting, adjourning, or removing ballot-box.

Sec. 7056. A judge of any election who, after the counting of votes commences as required by law, postpones the counting of votes cast at such election, or adjourns for any time or to any place, or removes the ballot-box from the place of voting or from the custody or presence of all the judges of such election, shall be fined not more than one thousand nor less than one hundred dollars, and imprisoned not more than ten days. [69 v. 58, §§ 1, 2.]

Sec. 7057. A judge of any election who knowingly permits any ballot or ticket, fraudulently placed in the ballot-box, if the same can be designated, to be counted with the legal votes cast at such election, shall be imprisoned in the penitentiary not more than three years nor less than one year. [69 v. 52, § 21.]

Judges of election knowingly counting fraudulent votes.

Sec. 7058. A judge of an election who knowingly receives, or sanctions the reception of a vote from any person not having all the qualifications of an elector prescribed by law or receives or sanctions the reception of a ballot from any person who refuses to answer any question put to him in accordance with the requirements of the laws of this state relating to elections, or refuses to take the oath prescribed by the laws aforesaid, or refuses, or sanctions the refusal of any other judge of the election board to which the judge belongs, to administer any oath required by the laws aforesaid to be administered, or refuses to receive, or sanctions the rejection of, a ballot from any person, knowing him to have all the qualifications of an elector prescribed by law, or refuse, if requested, to permit the respective candidates at such an election, or not exceeding three of the friends of each of such candidates, to be present in the room where the judges are during the time of receiving and counting out the ballots; and a judge or clerk of an election, on whom any duty is enjoined by the laws of the state relating to elections, who wilfully neglects any such duty, or is guilty of any corrupt conduct in the execution of the same, shall be fined not more than one thousand nor less than three hundred dollars, and imprisoned not more than six nor less than three months. [73 v. 157; 77 v. 267.]

Misconduct of officers of election; how punished.

Sec. 7059. Whoever, at any election, unlawfully, either by force, fraud, or other improper means, obtains, or attempts to obtain, possession of any ballot-box, or any ballots therein deposited, while the voting at such election is going on, or before the ballots are duly taken out of such ballot-box and enumerated by the judges of election according to law, shall be imprisoned in the penitentiary not more than three years nor less than one year. [53 v. 59, §§ 1, 3.]

Unlawfully obtaining, or attempting to obtain possession of ballot-box or ballots.

Sec. 7060. Whoever shall, from the time any ballots are cast or voted until the same has expired for using the same as evidence in any contest of election, unlawfully destroy, or attempt to destroy, any ballot-box or poll-book used at any election; or shall, within the same time, unlawfully destroy, falsify, mark, or write on any ballot cast or voted; or shall, within the same time, unlawfully change, alter, erase or tamper with any name contained on any ballot cast or voted, shall be imprisoned in the penitentiary not more than five years nor less than one year. [78 v. 30.]

Penalty for destroying ballot-box, ballots, or poll-books.

Penalty for fraudulent writing on poll-books or tally-sheets.

Sec. 7061. Whoever shall, from the time any ballots are cast or voted until the time has expired for using the same as evidence in any contest of election, wilfully and with fraudulent intent, inscribe, write, or cause to be inscribed or written, in or upon any poll-book, tally-sheet, or list, lawfully made or kept at any election, in or upon any book or paper purporting to be such, or upon any election returns, or upon any book or paper containing the same, the name of any person not entitled to vote at such election, or not voting thereat, or any fictitious name, or, within the same time, shall wrongfully change, alter, erase, or tamper with any name, word or figure contained in such poll-book, tally-sheet, list, book or paper; or falsify, mark, or write on such poll-book, tally-sheet, list, book, or paper in any manner whatsoever, such act or acts being done with intent to defeat, hinder, or prevent a fair expression of the will of the people at such election, shall be imprisoned in the penitentiary not more than three years nor less than one year. [78 v. 30.]

Possession of forged or altered poll-books or tally-sheets with fraudulent intent.

Sec. 7062. Whoever has in his possession any falsely made, altered, forged, or counterfeited poll-book, tally-sheet, or list, or election returns, of any election, knowing the same to be falsely made, altered, forged, or counterfeited, with intent to hinder, defeat, or prevent a fair expression of the popular will at such election, shall be imprisoned in the penitentiary not more than three years nor less than one year. [67 v. 51, § 2.]

Marking ballots, or printing, distributing or voting ballots unlawfully written or printed.

Sec. 7063. Whoever, at any election, marks the ballot of any elector, or hands a marked ballot to him to vote, with intent to ascertain how he voted, or prints for distribution any ballot contrary to the provisions of law, or distributes to an elector, or knowingly votes, any ballot printed or written contrary to the provisions of law, shall be fined not more than fifty dollars, and imprisoned not more than ten days. [65 v. 138, § 3; 71 v. 31, § 2.]

Prosecutions.

Sec. 7066. Prosecutions under the sections 7039 to 7065, inclusive, must be commenced within six months after the commission of the act complained of. Penalties for the violation of section 7064 shall not apply to the payment of an assessment made by a regularly organized committee for legitimate election expenses of the party to which the candidate belongs. [86 v. 363.]

PRIMARY ELECTIONS.

Sec. 2916. When any voluntary political association or party in any county, township or municipal corporation, by a vote of a majority of its executive or controlling committee, certified under oath by its chairman and secretary, shall cause notice of the holding of a primary election for the selection of party candidates, committeemen, delegates, or alternates to any party convention to be published, and shall make application therefor to the deputy state supervisors of elections or board of deputy state supervisors and inspectors of elections as the case may be, of such county, all as hereinafter provided, such primary election shall be held and conducted under the provisions of this chapter. [97 v. 439.]

When the provisions of this chapter apply.

Sec. 2917. Such notice shall be ordered and such application made not less than ten days prior to the time fixed for the holding of such primary election, and such notice and application shall state the purpose, time, manner and conditions of the holding of such primary election, and shall prescribe the qualifications not inconsistent with the provisions of this chapter, of the persons to vote at such election; provided, however, in cities where registration of electors is required by law, none but registered electors shall be permitted to participate in such primary election, and the deputy state supervisors of elections, or board of deputy state supervisors and inspectors of elections as the case may be, when so requested in such notice and application, shall, prior to such primary election, make such provision as shall be reasonable for the transfer upon the registration books and the registration of all persons, who may qualify themselves to vote at the next general election to be held after such primary election; and provided, further, that such primary election shall be held at the regular polling places in each of the voting precincts in such county, township or municipal corporation, and shall continue for a period of not less than three consecutive hours, and shall close not later than seven o'clock p. m. [97 v. 439.]

Time of notice and application.

Registration cities.

Sec. 2918. At least ten days previous to any such election such notice shall be published in a newspaper printed and of general circulation in such county; but the publication shall not be required in any county in which no newspaper is printed; the notice shall also be posted in at least three public places in each precinct within the territory in which the election is to be held. [97 v. 439.]

Notice when to be published and posted.

Sec. 2919. Subject to the provisions of such notice, such primary election shall be under the exclusive control and supervision of the deputy state supervisors of elections or board of deputy state supervisors and inspec-

Conduct of election.

tors of elections as the case may be, of such county, who shall provide all ballots, poll-books, tally and summary sheets, other blanks and things necessary, and assign to each polling place two competent electors to act as judges and one competent elector to act as clerk of such primary election; provided, however, that such judges and clerks shall be of the political faith of the party holding such primary election and shall, whenever practicable, be the regular election officers. Such primary elections shall be conducted as required by the laws governing the conduct of general elections so far as the same may be applicable. The penalties provided for fraudulent voting in the sections of the Revised Statutes from seven thousand and thirty-nine to seven thousand and sixty-six, inclusive, shall be enforced for the same offenses at primary elections; and the judges and clerks shall be charged with the same powers and duties and be subject to the same penalties as the judges and clerks of general elections. At the close of each primary election, the judges and clerks shall forthwith proceed to count the votes cast and make return thereof to the deputy state supervisors of elections, or deputy state supervisors and inspectors of elections as the case may be, who together with the chairman of the executive or controlling committee ordering such primary election, shall constitute a canvassing board and shall canvass the returns of such primary election, determine all matters relative thereto and certify the result of such primary election to the executive or controlling committee ordering such primary election. Ties, if any there be, shall be determined by lot by such canvassing board. Provided, however, that for the purpose of determining the election of any candidate voted for in a single voting place only, the judges and clerks in charge of such voting place shall constitute such canvassing board, and shall have full power to declare the result and shall forthwith issue proper credentials of election. Judges and clerks shall be paid two dollars each for every such election and any judge or clerk delivering the returns as aforesaid to the deputy state supervisors of elections, or board of deputy state supervisors and inspectors of elections as the case may be, shall be allowed five cents a mile for the distance travelled by him in delivering same, and returning to his home. Deputy state supervisors of elections and deputy state supervisors and inspectors of elections shall each receive fifty cents per precinct and clerks of such boards seventy-five cents per precinct for such elections; provided, however, that the total compensation of such officers shall not exceed the maximum of compensation otherwise provided by law.

The expense of municipal primary elections shall be defrayed by the municipality in which the same is held. The expense of all other primary elections shall be de-

frayed by the county. The deputy state supervisors of elections, or board of deputy state supervisors and inspectors of elections as the case may be, shall not be required to hold a primary election for any party which cast less than ten per cent. of the total vote cast in such county at the last general election, nor shall the deputy state supervisors of elections, or board of deputy state supervisors and inspectors of elections as the case may be, be required to hold more than two primary elections for the same party in any one year. No delegate or alternate to any political convention in this state shall have power by proxy or otherwise to designate another person to serve as a delegate in his place or stead, and any such delegate who shall give any power or proxy to another to serve in his place or stead, shall be guilty of a misdemeanor and be fined not less than twenty-five dollars and not more than one hundred dollars. The voting booths, ballot-boxes, and other public property in the custody and control of the deputy supervisors of elections, or board of deputy state supervisors and inspectors of elections as the case may be, shall not be used for primary elections other than those held under the provisions of this act. [97 v. 440.]

Sec. 2920. A qualified elector under the notice may challenge any vote offered, because the person offering it is not entitled to vote under the notice, or is not a citizen of the United States, or cannot be at the next election a legal voter of the precinct, or has received or been promised, directly or indirectly, any money, fee or reward for his vote for any candidate at such election, or has voted before on the same day, at that or some other precinct, in the same election. [68 v. 27, § 4.]

Challenges—
by whom and
for what
cause made.

Sec. 2921. Thereupon one of the judges shall administer to the person offering to vote an oath that he will make true answers to such questions as may be put to him touching his qualifications to vote at such election and shall interrogate him as to his qualifications; if such person refuses to be sworn, or, being sworn, refuses to answer every question, his vote shall be rejected; but if the oath be taken and the questions answered satisfactorily and he be not successfully contradicted by the sworn testimony of witnesses who may be called, his oath shall be received and the word "sworn" shall be noted opposite his name on the poll-book. [97 v. 441.]

Duty of the
judges when
vote chal-
lenged.

Sec. 2921a. Witnesses and challengers shall be admitted to the polling places in accordance with the reasonable regulations established by the executive or controlling committee ordering such primary election; and at all primary elections held within the boundary of any municipal corporation, during the receiving and counting

Witness and
challengers
admitted dur-
ing receiving
and count of
votes; people
to keep one
hundred feet
from polls;
penalty.

of the ballots, no persons shall congregate or loiter upon the streets, alleys or sidewalks within one hundred feet of the polling place of any election, or within such distance of one hundred feet give or tender or exhibit any ballot or ticket to any person other than to a judge of the election, or exhibit any ticket or ballot which he intends to cast or within such distance solicit or in any way attempt to influence any elector in casting his vote. Any person wilfully refusing or neglecting to perform any of the duties prescribed in this act or any person wilfully violating the provisions thereof shall be deemed guilty of a misdemeanor and upon conviction thereof he shall be fined not less than five nor more than fifty dollars, or imprisoned in the county jail not less than five days nor more than thirty days or both at the discretion of the court. [97 v. 441.]

Who not allowed to vote at primary election.

Section 1. No person shall be allowed to vote at any primary election except he be an elector resident of the precinct, ward or township in which he desires to vote and except he voted with the political party holding such primary election at the last general election, providing he voted at all at such election, unless he be a first voter; nor shall any person vote more than one time, or at any other than at the polling place in that precinct, ward or township wherein he resides.

Penalty for unlawful voting.

Any person who shall violate the provisions of this act shall be fined not less than one hundred (\$100.00) dollars nor more than three hundred (\$300.00) dollars, or imprisoned in the penitentiary for one year, or both in the discretion of the court. [97 v. 107.]

Bribery.

Section 2. Any person who shall solicit, request, demand or receive, directly or indirectly, any money, intoxicating liquor or other thing of value, or the promise thereof, either to influence his vote, or to be used, or under the pretense of being used to procure the vote of any other person or persons, or to be used at any poll or other place prior to or on the day of an election for or against any candidate for office, or for or against any measure or question to be voted upon at such election, shall be deemed guilty of an offense, and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred (\$100.00) dollars and not more than five hundred (\$500.00) dollars, or be imprisoned in the penitentiary for one year, or both in the discretion of the court. [97 v. 107.]

Penalty.

Witness testifying shall be exempt from prosecution.

Section 3. In any prosecution brought under this act, when any person is called to testify, he shall be required to testify to all the facts of which he has any knowledge and upon so testifying he shall be deemed acquit of any guilt as to the matters to which he has so testified, and the fact that he has so testified shall forever be a bar to any prosecution brought against him for violating this statute as to such case or circumstance to which he may have been required to testify. [97 v. 107.]

VOTING MACHINES.

(2966-54.) Sec. 1. That any body or board of public officials, or any officer or officers, charged by law with the duty of providing material and supplies for holding an election or elections in any city, village, town, precinct, or other civil division of the state, may at any general or special election submit a proposition to the qualified voters thereof, to adopt a voting machine or voting machines, and whenever a majority of the electors of any said city, village, town, precinct or other civil division voting upon said proposition shall have declared therefor may purchase voting machine or machines for use at any or all of the election districts for which he, it or they are by law charged with the duty of providing with material and supplies for holding an election, at the expense of the city, village, town, county, precinct, or other civil division of the state now chargeable by law with the expenses of the material and supplies for holding general elections in such election district or districts. Provided, however, that no such voting machine shall be used, purchased or adopted until the commissioners hereinafter provided for, or a majority thereof, shall have made and filed their report certifying that they have examined such machine; that it affords each elector an opportunity to vote in absolute secrecy; that it enables each elector to vote a straight party ticket; that it enables each elector to vote a ticket selected in part from the nominees of one party, and in part from the nominees of any or all other parties, and in part from an independent nomination, and in part of persons not in nomination by any party or upon any independent ticket; that it enables each elector to vote a written or printed ballot of his own selection, for any person for any office for which he may desire; that it enables each elector, if he so desires, to cast one written or printed ballot of his own selection for all the officers for whom he is entitled to vote at such election; that it affords each elector an opportunity of voting for all the candidates for whom he is entitled to vote, and absolutely prevents his voting for any candidate more than once; and that it also prevents the elector voting for more than one person for the same office, unless he be lawfully entitled to vote for more than one person for that office, and, in that event, it admits of his voting for as many persons for that office as he is by law entitled to vote for, and no more, at the same time preventing his voting for the same person twice; that the machine is so constructed that an elector may be per-

Submission of question as to use of voting machines in elections.

Machine to be approved by commission; requirements of machine.

mitted to vote for a candidate for whom he may be lawfully entitled to vote, and excluded from voting upon any questions upon which he may not be lawfully entitled to vote; that such machine admits of the enjoyment of each elector of his full right and privilege in the exercise of the elective franchise under the constitution and laws of this State; that the machine is supplied with a booth so arranged that the operation of the machine by the elector, when voting cannot be seen, observed or known by any other person, unless such other person be inside the booth at the same time; that such machine, properly operated, will correctly register every vote cast; that the machine is constructed of such material that when properly cared for, there is little or no danger of its utility being impaired by any of the parts becoming rusted or corroded; that the machine may be safely and conveniently used by eight hundred electors in any one election district during the time allowed for holding a general election thereon. [94 v. 309.]

Commission to examine voting machines; duties and powers.

(2966-55.) Sec. 2. The present governor, secretary of state and attorney-general and their successors in office, are hereby created and made commissioners to examine voting machines, and to make a report and certificate thereon, and for such purpose, they are hereby authorized to employ such assistance as they, or a majority of them, may deem advisable, and the expenses thereof shall be payable out of any funds of the state not otherwise appropriated. The examination, report, or certificate of such commissioners, or a majority thereof, above provided for, shall not be required of each individual machine, but of every particular kind of machine before its adoption, use or purchase as herein provided. The certificate, when made by said commissioners, or a majority thereof, shall be filed in the office of the secretary of state. [93 v. 278.]

Certificate to be filed with secretary of state.

Machine must meet statutory requirements.

(2966-56.) Sec. 3. The voting machine or machines to be used, adopted or purchased as herein provided, must be so constructed as to meet all requirements specified in this act. [93 v. 278.]

How nominations shall appear on machine; general requirements of machine to enable elector to vote for his choice.

(2966-57.) Sec. 4. Party nominations shall be arranged on each voting machine either in columns or horizontal rows. Ballot captions of cardboard or paper, which shall have printed thereon, in plain, clear type, the party or other lawful designation of the nominee, amendment or other proposition submitted to vote, shall be so placed on said machines as to indicate to the voter what lever, push, knob, key, or other device is to be used or operated in order to vote in accordance with his choice. Such machines shall also be provided with a printed ballot or cardboard, upon which shall be printed in plain, clear type the name of the office and the name of the candidate or nominee therefor, or a concise statement of the amendment, or question, or proposition, to be voted upon. And these shall be placed upon such machines in such man-

ner as to enable the voter to readily vote in accordance with his choice. The irregular device shall be provided with similar cardboard, or printed paper, except that the name of the candidate shall not be printed thereon; and the same shall be so placed on said machine as to show to the voter where to deposit the ballot for any person for a particular office. If two or more persons are to be elected to the same office, for different terms, the term for which each is to be elected shall be designated on such machines as above provided. [93 v. 279.]

(2966-58.) Sec. 5. Every part of the polling place shall be in plain view of the election officers, including the watchers, if any, except that the operation of the machine by the elector shall be obscured as herein provided. It shall be placed at least three feet from every wall or partition of the room, and at least three feet from the outer guard-rails and at least four feet from the judge's table. Guard-rails shall be constructed at least three feet from the machine, with openings to admit electors to and from the machine, and no person shall be permitted within such guard-rails except to enter the booth for the purpose of voting. But one person shall be permitted within such booth at a time except that a disabled elector may be furnished such assistance and in such manner as is now or may hereafter be authorized by law, and not otherwise. [93 v. 279.]

Election officers to have view of entire polling place except operation of machine; location of machine.

Guard-rails; how constructed; who to be admitted within.

(2966-59.) Sec. 6. The party emblem, if any is in use in the state, shall be placed at the head of the party ticket in such manner as to be easily seen; and, in presidential elections, such machine may be provided in each column or horizontal line of party nominations with a separate push knob, lever, key or other device, for voting for all the presidential electors nominated by such party, and the numbers registered by the counters of that particular push knob, lever, key or other device, for voting for all the presidential electors nominated by such party, and the numbers registered by the counters of that particular push, knob, lever, key or other device shall be counted for each and every one of the candidates for presidential elector of such political party. And in each column or horizontal line may be one lever, push, knob, key, or other device, with a label as above provided, with the name of the party and the words "straight ticket" printed thereon in plain, large type; and the operation of such lever, push knob, key, or other device, shall vote the entire ticket, including presidential electors. [93 v. 279.]

Party emblem; how placed.

Arrangement for voting for presidential electors.

"Straight ticket."

(2966-60.) Sec. 7. The officer or officers now charged by law with the duty of furnishing such election districts with ballots shall furnish each polling place using such machine with all ballots, ballot captions, cards, counter labels and instruction cards herein required; and the same shall, on Saturday next preceding the election at which they are to be used, be delivered to the clerk of the city,

Delivery of ballots, ballot captions, cards, counter labels, and instruction cards for use in connection with machine.

village, town, or precinct where the same are to be used, or to such other officer in such city, town or village to whom ballots are now required by law to be delivered. [93 v. 280.]

Precaution to be taken before voting begins.

(2966-6.) Sec. 8. Before any voting is done on any such machine or machines, all the counters shall be placed so as to register "O," and shall not be again changed except as is done by the electors in voting. [93 v. 280.]

Length of time voter permitted to remain within booth.

(2966-62.) Sec. 9. No voter shall remain within the voting machine booth longer than one minute, and if he shall refuse to leave the said machine after the lapse of one minute, he shall be removed by the judges. [93 v. 280.]

Closing of polls; machine to be locked; counting compartment to be opened in presence of authorized persons.

(2966-63.) Sec. 10. As soon as the polls are closed the ballot machine shall be locked against voting, and the counting compartment opened in the presence of the watchers and all other persons who may be lawfully within the room or voting place, giving full view to the dial numbers announcing the votes cast for each candidate, and for or against the various constitutional amendments, questions, or other propositions. [93 v. 280.]

Counting and announcement of votes.

(2966-64.) Sec. 11. The judges shall then add together the votes cast for each candidate, and ascertain the number of votes which each has received, and publicly announce the total vote for each candidate thus ascertained. Before leaving the room or voting place, and before closing and locking the counting compartment, the judges shall make and sign written statements or returns of such election, as now required by law, except that they shall not be required to attach any ballots, official or defective, thereto. The written statements or returns so made, after having been signed by the judges, shall be distinctly and clearly read in the hearing of all persons present, and ample opportunity given to compare the results so certified with the counter dials of such machines. After such comparison and correction, if any is made, the judges shall then close the counting compartment and lock the same. [93 v. 280.]

Judges required to sign returns before leaving room or locking counting compartment.

Ballots to be read; comparison of results.

Services of ballot clerk dispensed with.

(2966-65.) Sec. 12. No ballot clerk shall be elected or appointed in any town or city that shall have adopted the use of the voting machine. [93 v. 280.]

Tampering with, impairing, or attempting to impair machine; penalty.

(2966-66.) Sec. 13. Any person who shall tamper or attempt to tamper with any such machine or machines, or in any manner intentionally impair or attempt to impair its use, and any person who shall be guilty of or attempt any dishonest practice upon any such machine, or with or by its use, shall be deemed guilty of a misdemeanor, and punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding five years, or by both such fine and imprisonment. [93 v. 280.]

Application of existing laws; conflicting laws not to apply.

(2966-67.) Sec. 14. All the provisions of the election law not inconsistent with this act shall apply to all elections in the precincts where such voting machines are used. And any provisions of law which conflict with the use of such

machine or machines as herein set forth shall not apply to the precinct or precincts in which an election is conducted by use of said ballot machine or voting machine; provided, that in lieu of the submission of the question to the qualified electors in any city, village, town, precinct or other civil division of the state, of adopting a voting machine or machines therein, as provided for in section one of this act, as amended April 16, 1900 (94 O. L., 308), it shall be the duty of any body or board of public officials or any officer or officers, or board of elections, or deputy state supervisors of elections, charged by law with the duty of providing materials and supplies for holding an election or elections, upon presentation of a petition signed by sixty-five per centum of the electors of any precinct, ward, township, village, city or county, voting at the last preceding general election, praying for the adoption of a voting machine or machines to be used at all the voting or polling places in such precinct, ward, township, village, city or county, to ascertain and declare whether or not sixty-five per centum of such electors have signed such petition, by comparing the names of such petition with the poll-books of such election, if the same have been preserved, otherwise upon satisfactory evidence. And if it appear that sixty-five per centum of such electors have so signed such petition, a voting machine or machines shall thereupon be deemed adopted for use, and shall be used, at all elections thereafter to be held in all the voting or polling places in such precinct, ward, township, village, city or county. And thereupon such body or board of public officials, or any officer or officers, or board of elections, or deputy state supervisors of elections, so charged by law with the duty of providing materials and supplies for holding elections in any such precinct, ward, township, village, city or county, may purchase and provide such voting machine or machines, the cost of which, when purchased and provided by any board or officer of a city shall be borne and paid by any such city, out of its general revenue fund, upon vouchers of such board or officer, made and certified, if by a board, by the president and secretary thereof, and if by an officer, by such officer, which shall be allowed by the city comptroller, city auditor, or director of accounts, in cities having such officers, and in other cities by the city clerk or other accounting officer, and upon his warrant paid by the treasurer of any such city; and when purchased and provided by any board or officer of a county, shall be paid out of the general fund of the county treasury, upon the written approval of a majority of the county commissioners, upon vouchers of such board of officers, made and certified, if by a board, by the president and secretary, and if by an officer, by such officer. Upon presentation of such vouch-

Provision for adoption of voting machine upon petition of sixty-five per cent. of electors.

er or vouchers the county auditor shall issue his warrant upon the treasurer for the amount thereof, and the treasurer shall pay the same. Such vouchers shall, in all cases, be paid in the order of priority with respect to the presentation of claims against such general funds. [95 v. 420.]

INDEX.

	PAGE.
ABSTRACT OF VOTES—(See Deputy State Supervisors of Elections.)	
Constitutional amendments, on	139
County officers and members of the general assembly; fees.....	35
Presidential electors	36
State, judicial and county officers, representatives in congress and mem- bers of the general assembly	133
Turnpikes, on question of general tax for	62
ADHESIVE SLIPS—	
Vacancy after printing of ballots, in case of	113
ADVERTISEMENT—(See Notice.)	
ALIEN—	
Naturalization of, procedure	4-10
AMENDMENT—	
Constitutional; manner of submission	138, 139
Constitutional; return of vote cast for or against, abstract and canvass of vote; publication, etc.	139, 140
Form of ballot; action on by political party	138
ANNEXATION—	
Municipal corporation, one to another; election on question of.....	25
ARMY—(See Military Service.)	
ARREST—	
Electors, when privileged from	15
Loitering near polls, for	102
ASSESSORS—(See Township Officers.)	
Election of, when precinct divided	65
Municipalities divided into wards	27
Townships, certain, assessor districts in	27
BALLOT—	
Assistance in marking	125
Bonds for enlarging, improving or extending natural gas works, in submission of question of issue of	34
Bonds for township and municipal purposes, in submission of question of issue of	32
Burned after count	95, 127
Canvassing, entering and enumerating, manner of.....	126
Casting of—	
Folding of, by elector	125
Receipt and deposit of, by election officer.....	125
Secondary stub, detaching and examination of	125
Counted, when not to be, for certain office	124
Counting of, in cities having registration	93
Custody or delivery of, offenses pertaining to; penalty	128
Deceiving an elector who cannot read; penalty	144
Delivery of, to election officers	115
Deposited and counted, permitted to be	125
Destroying; penalty	145
Destroying, defacing, removing, hindering delivery, etc.; penalty.....	128
Destruction of counted and excess	93, 126, 127
Device to designate party candidate	113
Disputed, preservation of	127

	PAGE.
BALLOT—Concluded.	
Distributing, or having in polling room; penalty	100
Elections, all, shall be by	15
Extra and unofficial	117
Form and contents of	117, 120, 138
Fraudulent	140
Fraudulent voting	144
Fusion, printing of name of candidate on, in case of	109
High school purposes, in election on union of districts for	61
Interference with elector in casting	102
Local option election in townships, for	40
Local option election in municipalities	41, 45
Loitering near polls during receiving and counting of, etc.	80, 102, 150
Lost or destroyed, replacing of	116
Marking, or printing, distributing or voting unlawfully written or printed	146
Marking, supplies and conveniences for	121
Packages, sealing, indorsement and delivery of	115
Permitting unlawful, in ballot-box; penalty	100
Preparation and casting of	122-125
Offenses pertaining to	128, 129
Preparation of—	
Marking, rules for—	
Assistance of judges	125
Black lead pencil, all marks to be by	122
Mixed ticket	123
Number of ballots to which elector entitled	122
Question, submission of	124, 138
Straight ticket	123
Misleading voter, or disclosing how he voted; penalty	129
Substitution of name of person not on ticket	124
Voting shelves, as to occupancy of	122
When two or more persons to be elected to same office	123
Surplus marks	124
Printing of name of candidate on, when two or more certificates for same office filed	109
Printing of, publication of notice of bids for; contracts for	73, 114
Printing or use of, offenses pertaining to; penalty	128, 146
Proof, submission of	114
Question, separate in case of submission of	118
Sealing, indorsement and delivery	73, 115
Secondary stubs, detaching, examination and destruction of	125
Substitution when no nomination made or name of nominee omitted; marking in such case	124
Supplies for marking, removing or destroying; penalty	128
Technicalities, disregard of	124
Unlawful to have in polling room in certain cities	100
Unlawfully obtaining, or attempting to obtain, possession of; penalty	145
Unvoted, destruction of	126
Return of, by elector to election officer	125
Vacancy after printing of, how filled	113
BALLOT-BOX—	
Arrangement of	91, 92, 121
Board of education, separate, in election for members of	50
Custodian of	74, 76
Destroying; penalty	145
Inspection of, before opening of polls, etc.	91, 101
Judge removing; penalty	144
Location of, on election day, in cities	92
Opening of	93, 126
Purchase and care of	74, 77, 78
Separate, in case of submission of question	118
Unlawfully obtaining, or attempting to obtain, possession of; penalty ..	145
Women, separate for	50
BETTING—	
Elections, on, unlawful; penalty	142

BLANKS—

PAGE.

Custody or delivery of, offenses pertaining to; penalty	128
Delivery of, to election officers	115
Forms for	108
Lost or destroyed; replacing of	116

BOARD OF CANVASSERS—(See Canvass.)

BOARD OF EDUCATION—

Ballots for, in election precincts	115
Centralization, duty in relation thereto	56
City districts	50-53
Elections, levy for expenses of	114
High school, official district for	61
Return and casting of votes for members of	73
Schoolhouse, levy of tax and issue of bonds for	61
Schools, submission of question of additional levy for	60
Special districts	56-59
Township districts	54-56
Village districts	53
Women, rights of	50

BOARD OF ELECTIONS—(See Deputy State Supervisors.)

BONDS—

Municipal, purposes for which may be issued; tax for redemption; submission of question to voters	28-34
Schoolhouse, submission of question of issue of	60
Township, purposes for which may be issued; tax for redemption; submission of question to voters	28-34
Turnpikes, for	62

BOOTHES AND GUARD-RAILS—

Furnishing; care; arrangement; number of voting shelves, etc.....	73, 121
---	---------

BRIBERY—

Delegates or electors, of; penalty	142
Forfeiture of elective franchise by reason of conviction of	15
Giving bribe; penalty	142
Competent witness in prosecution for.....	132
Forfeiture of office for	132
Intimidating voter by (U. S. law)	10
Primary election; offering bribes to voters at; penalty	142
Receiving bribe; penalty	131
Competent witness in prosecution for	132
Disfranchisement for	132

CANDIDATE—(See Nomination.)

Bribery of delegate or elector; penalty	142
Ineligible to serve as judge or clerk	108
Nominee by petition, substitution of	109
Other political party, of, substitution of	109
Primary election, offering bribe at; penalty	142
Printing of name on ballot when two or more certificates for same office filed	109
Substitution of name and marking of ballot when regular nominee omitted	119, 124

CANVASS—

Abstracts by deputy state supervisors of elections	73, 133
Board of education, of vote for members of	73
City board of canvassers, constitution and duties of	98
Constitutional amendment, vote on, of	140
Judges and clerks of election, by	126
Justices of the peace, of vote for	73
Loitering near polls during	80, 102
Municipalities, of vote in	27, 28, 73, 98
Municipal officers, of vote for	73
Presidential electors, of returns for	36
Primary elections, of result of	148
Special election, of vote of certain officers voted for at	133
Township officers, of vote for	73
Turnpikes, of vote on question of general tax for	62

CARDS OF INSTRUCTION—	PAGE.
Custody or delivery of, offenses pertaining to; penalty	128
Defacing, removing, etc.; penalty	128
Delivery of, to election officers	115
Forms for	108
Lost or destroyed, replacing of	116
Placed, where to be	117
Printing of, publication of notice of bids for; contracts, etc.	73, 114
CERTIFICATE OF ELECTION—	
Special election, of certain officers at	133
Circuits and districts, in	133, 137
County officers and members of the general assembly	35, 39
Deputy state supervisors to issue	35, 39, 73, 137
Presidential electors	36
State, judicial and county officers and justices of the peace, fees	39
CERTIFICATE OF NOMINATION—	
Contents of, etc.	108-110
Defect in, manner of correcting	112
Device to designate party candidates	113
District or circuit, in, decision of questions as to	111
Filing of; objections to; validity of, etc.	72, 110
Forms for	108
Objections to validity	111
Offenses pertaining to; penalty	128
Preservation and inspection of	111
Printing of name of candidate on ballot when two or more filed.....	109
Transmission of certified copies	72, 113
CHALLENGE—	
Challengers, party, designation, rights, privileges and oaths of, etc..	91, 121
Elector may, when	105
Judges of election shall, when	105
Proceedings of judges upon	105-107
Oath of challenged person	86, 105, 107
Primary election, at	149
Questions to be put by judges	105
Registration law, under	84, 86, 91
Rejection of vote	105
"Sworn," entry of, on poll-book	107
Who may	121
CHALLENGER—(See Challenge.)	
CHIEF DEPUTY—(See Deputy State Supervisors of Elections.)	
CHIEF SUPERVISOR—(See Supervisors of Elections.)	
CHILDREN—	
Born abroad, as to citizenship of	3
CIRCUIT—	
Abstracts and certificates of election in	133, 137
Certificates of nomination and nomination papers—	
Decision of questions as to	111
Defect in, manner of correcting	112
Filing of	110
Objections to	111
Transmission of certified copies	113
CITIZENSHIP—(See Elector.)	
Ohio constitution, qualifications of electors	15
Forfeiture of citizenship	15
United States laws—	
Citizens, who are	3
Expatriation, right of, declared	4
Forfeiture of	3, 4
Exemption from forfeiture	3
Naturalized citizens, protection of, in foreign countries	4
Race, color, or previous condition not to affect right to vote.....	4
CITY—(See Municipal Corporations; Registration.)	
CITY BOARD OF CANVASSERS—(See Canvass.)	

CITY BOARD OF ELECTIONS—(See Deputy State Supervisors.)	PAGE.
CIVIL RIGHTS—	
Conspiracy to injure or intimidate citizens in the exercise of	10, 11
Depriving citizens of, under color of state laws	11
Marshal refusing to receive or execute process	11
Obstructing execution of process in civil right cases	11
CIVIL TOWNSHIP—	
Elections in, conduct of, etc.	18-22
CLERK—(See Deputy State Supervisors of Elections.)	
CLERK OF MUNICIPALITY—	
Ballot—(See Ballot.)	
Ballot-boxes, duty as to	74
Booths, guard-rails, etc., duty as to	121
Canvass of vote for municipal officers	73
Expenses of elections in municipality situated in two or more counties, apportionment of	114
CLERKS OF ELECTION—	
Appointment; term; apportionment politically; vacancy; compensation; removals	70
Ballot—(See Ballot.)	
Canvassing, entering and enumerating, manner of	126
Misleading voter or disclosing how he voted; penalty	129
Preparation and casting of	122-125
Result, certified copies of	127
Candidate ineligible to serve	108
Challenge, may	122
Compensation	71, 97, 116
Duties; penalties to which subject	72
Misconduct of; penalty	145
Oath	72
Period during which shall not separate nor leave polling place under penalty	127
Primary election, selection, duties and compensation at	148
Registration, in cities having—	
Appointment; term; qualifications; oath	78
Certificate of appointment	80
Certificate of result for board of deputy state supervisors and witness	94
Certificate to poll-book	93
Compensation; how paid	78, 97, 116
Examination, appearance for; penalty for failure to appear, or re- fusal or neglect to qualify	78
Exemption from jury and military duty	80
Proceedings upon close of polls	93
Removal	79
Substituted, on election day; notice	79
Vacancy	79
Return of vote for township and municipal officers, members of boards of education and justices of the peace	73
Returns, tally-sheets and poll-books, making, transmission and preser- vation of	127
Supplies for conducting elections, offenses pertaining to custody or de- livery of; penalty	128
“Sworn,” when to enter word on poll-book	107
Term	70
Vacancy	71
Votes cast, certification of	126
COLOR—	
Right to vote, not to affect	4
COMMISSIONS—	
Officers, of; fees	39
COMMITTEE—(See Executive Committee.)	
COMMITTEEMAN—(See Precinct Committeeman.)	
COMPENSATION—(See Fees.)	

CONGRESS—	PAGE.
Representative in, election and term of	34
Vacancy, special election to fill	35
Abstracts in such case	136
CONSPIRACY—	
Civil rights, to injure or intimidate citizens in the exercise of	10, 11
Office under United States, to prevent accepting or holding	12
Protection of the laws, to deprive any person of equal	12
CONSTABLE—	
Election; term, etc.	19, 20
Loitering near polls, duty as to	102
Notice of annual township election, to serve	19
Obey and aid judges of election, shall; penalty	80
CONSTITUTIONAL AMENDMENT—	
Action on by political party, etc., return of vote on; abstract and canvass of vote; publication, etc.	138-140
Manner of submission; printing on ballots	138, 139
CONTEST OF ELECTION—	
Presidential electors, of	36-38
CONTRACT—	
Printing, for	114
CONVENTION—(See Candidate.)	
Bribery of delegate at; penalty	142
Proxies, unlawful in	149
CONVICT—	
Incompetent to be an elector or hold office; restoration of rights; penalty	141, 144
COSTS—	
Defrayed, how	78, 97, 114
COUNCIL—(See Municipal Officers.)	
Bonds, municipal, purposes for which may issue; tax for redemption; submission of question to voters	28-34
Levy for expenses of elections	114
Places of holding elections	27, 64
Turnpikes, bonds and tax for	63
COUNCILMAN—(See Council.)	
COUNTY—	
Question, submission of to voters	138
COUNTY BOARD OF CANVASSERS—(See Canvass.)	
COUNTY COMMISSIONERS—(See County Officers.)	
Levy for expenses of elections	70, 114
Notice of election in civil townships, to give	18
Organization of original surveyed townships, duties as to	16, 17
Turnpikes, questions of general tax for	62
COUNTY ELECTONS—	
Proclamation and time of	34
COUNTY OFFICERS—	
Certificate of election and abstract of votes	39, 133
Election of, proclamation and time of	34
Tie vote for, to be determined by lot	35
CRIMES AND OFFENSES—	
Ohio laws—	
Ballot—	
Custody or delivery of, offenses pertaining to	128
Destroying	145
Marking or printing, distributing or voting unlawfully written or printed	146
Possession of, unlawfully obtaining or attempting to obtain..	145
Preparation and casting of, offenses pertaining to	129
Printing or use of, offenses pertaining to	128, 146
Ballot-box—	
Destroying	145
Possession of, unlawfully obtaining or attempting to obtain..	145
Ballots, blanks, poll-books, cards of instruction, etc., offenses pertaining to custody or delivery of	128
Betting on elections	142

CRIMES AND OFFENSES—Continued.

Ohio Laws—Continued.

Bribery—	PAGE.
Delegates or electors, of	142
Giving bribe; competent witness in prosecutions for; forfeiture of office for	130, 132
Receiving bribe; competent witness in prosecution for; disfranchisement for	131, 132
Certificates of nomination, letters of withdrawal, ballots, cards of instruction, supplies for marking ballot, delaying voter, etc., offenses pertaining to	128
Clerks of election, misconduct of	145
Misleading voter, or disclosing how he voted	129
Deceiving an elector who cannot read	144
Deputy state supervisor of elections or clerk, violation, neglect or wrong performance of duty, or disobedience by	74
Employer refusing employe time off to vote	131, 132
Felony, incompetency of person convicted of, to be an elector or hold office	141, 144
Forfeiture of elective franchise for	15
Fraudulent voting	144
Indictment, how election is averred in; what counts may be joined in	141
Interfering with elector in casting his ballot	102
Intimidating voter, or impeding or preventing free exercise of elective franchise; competent witness in prosecution for...	131
Intoxicating liquors, selling or giving away, or keeping place where sold open on election day	142
Judges of election, offenses by	145
Misleading voter or disclosing how he voted	129
Local option, violation of acts providing	40, 42, 46
Loitering near polls	80, 102
Poll-book and tally-sheet—	
Custody or delivery of, offenses pertaining to	128
Destroying	145
Fraudulent writing on	146
Possession of forged or altered, with fraudulent intent	146
Primary elections—	
Attempting to intimidate electors or judges at	142
Bribes, offering, for voters at	142
Omissions of duty and fraudulent voting	143
Proxies, delegates selected giving	149
Procuring illegal vote	144
Procuring an elector to go or come into a county of which he is not a resident to vote	144
Prosecution of violation of election laws	74, 130
Prosecutions, time within which to be commenced	132, 146
Public officer, violation, neglect, or wrong performance of duty or disobedience, by	130
Register, damage or destruction of	79
Registrar failing to perform his duties	79
Registrar, judge or clerk of election failing to appear for examination or refusing or neglecting to qualify	79
Registration laws, under (See Registration)	79-81, 99-101
Voting—	
Fraudulent	143
More than once at the same election	143
Not being a resident of this state	143
Not being a resident of the county thirty days	143
Not being a resident of the precinct twenty days	143
Without a residence of one year; not being twenty-one years of age; not a citizen; convicted of crime and not pardoned	144
Voting machine, tampering with or impairing	154
United States laws—	
Armed troops, bringing of, to places of election	12
Civil rights cases, obstructing execution of process in	11

CRIMES AND OFFENSES—Concluded.

United States Laws—Concluded.

Conspiracy—

PAGE.

Civil rights, to injure or intimidate citizens in the exercise of	10, 11
Equal protection of the laws to deprive any person of	12
Office under United States, to prevent accepting or holding..	12
Depriving citizens of civil rights under color of state laws.....	11
Desertion from military or naval service	3, 4
Draft into military or naval service, avoiding	4
Intimidating voters by bribery or threats	10
Marshal refusing to receive or execute process	11
Naturalization, violation of laws in reference to	8-10
Right of suffrage, interference with, etc., by army or naval officer	4, 11-13

DELEGATE—

Bribery of; penalty	142
Proxy, may not appoint	149

DEPUTY MARSHAL—(See Marshal.)

DEPUTY STATE SUPERVISORS OF ELECTIONS—(See Registration.)

Abstracts of returns, to make and transmit	73, 139
Abstract of votes—	
Certifying, signing and depositing of	134
Circuits and districts, in.....	133, 137
Congress, in election to fill vacancy in office of member of...	136
Constitutional amendment, on	139
Copies, making and transmission of certified	136
County officers and members of the general assembly, for; fee.	35, 133
Making, time and manner of	133
Special election, for certain officers voted for at	133
State, judicial and county officers, representatives in congress and members of the general assembly, for	133-137
Validity of returns, as to	134
Appointment, qualifications, terms, vacancies and removals	66-69
Assessor districts, duties not interfered with by act providing for..	27
Assessors, election of, when precinct divided	65
Ballot—(See Ballot.)	
Disputed, preservation of	127
Extra and unofficial	117
Proof, submission of	114
Sealing, indorsement and delivery of	73, 115
Ballot-boxes, purchase and care of	74, 77
Ballots, blanks, poll-books, tally-sheets, etc.; delivery of	73, 115
Lost or destroyed, replacing of	116
Bond of bidder for printing	115
Bonds, township or municipal, duties when question of issue of, to be submitted to voters	31, 33
Booths, guard-rails, voting-shelves, etc., furnishing, care and custody of, etc.	73, 121
Certificates of election, to issue	39, 73
Circuits and districts, in; fee	39, 73, 133, 137
County officers and members of the general assembly, of; fees	39, 73, 133
Judicial and county officers and justices of the peace; fees..	39, 73, 133
Special election, of certain officers elected at	133
Certificates of nomination and nomination papers—	
Defect in, manner of correcting	112
Filing of	72, 110
Objections to	111
Printing of name of candidate on ballot when two or more certificates for same office filed	109
Transmission of certified copies	72, 113
Chief deputies and clerks, questions to be decided by	72, 111
Chief deputy—	
Certificates of nomination and nomination papers, filing of....	72, 110
Defect in, manner of correcting	112
Objection to	111
Transmission of certified copies	72, 113
Selection and term of	69

DEPUTY STATE SUPERVISORS OF ELECTIONS—Concluded.

	PAGE.
Clerk—	
Oath	72
Power to administer	69
Organization, report of	69
Selection, term and salary	69, 70
Violation, neglect, or wrong performance of duty, or disobedience by; penalty	74
Clerks of election, appointment of; removals; oath	70-72
Compensation	70
Creation of office	66
Duties, general	66, 72
Duty, violation, neglect, or wrong performance of, or disobedience; penalty	74
Expenses of elections, how defrayed	114
Forms for guidance	108
Investigation of irregularities, or non-performance of duty by election officer; report; prosecutions	74
Judges of elections, appointment of; presiding judge; removals; oath	70-72
Justice of the peace, result of election for, to be certified to	73
Laws applicable to elections, distribution of	70
Nominations—(See above, Certificates of Nominations and Nomination Papers)	72, 108-113
November election, returns of	73
Oath	71
Power to administer	69
Organization; report thereof	69
Poll-book, delivery of, at polling place	73
Furnishing of	74
Paper to be received as	134
Precincts, division, rearrangement, combination of, etc.	64
Printing, notice of bids for; contracts; bond of bidder, etc.	73, 114
Printing of name of candidate on ballot when two or more certificates for same office filed	109
Qualifications	66
Questions to be submitted to state supervisor, when	73, 111
Removals	67
Returns of election, to receive, make abstracts of, etc.	73
Sessions	69, 90
Tally-sheets, furnishing of	74
Term of office	66
Tie votes for county officers and members of the general assembly to be determined by lot	35
Vacancy in office	66
Vacancy on ticket, manner of filling	112
DEPUTY STATE SUPERVISORS AND INSPECTORS OF ELECTIONS—	
(See Deputy State Supervisors of Elections.)	
Appointment, qualifications, term, vacancies, etc.	67
Chief deputy, selection and term of	68
Clerk and deputy clerk—	
Selection, term and salary	68, 70
Compensation	70, 97
Creation of office	66
Duties, general	66, 68, 72, 73
Term of office	67
Vacancies	67
DESERTERS—	
Forfeiture of citizenship by	3, 4
Exemption from forfeiture	3
DEVICE—	
Party candidates, to designate	113
DISFRANCHISEMENT—	
Receiving bribe, for	132
DISQUALIFICATIONS—	
Office under United States, for holding	13

DISTRICT—	PAGE.
Abstracts and certificates of election in	133, 137
Certificates of nomination and nomination papers, filing of.....	72, 110
Decision of questions as to	72, 111
Defect in, manner of correcting	112
Objections to	111
Transmission of certified copies	72, 113
DIVISION—	
Precincts, of	64-65
DRAFT—	
Citizenship, forfeiture of, for avoiding	4
ELECTION PRECINCTS—(See Precincts.)	
ELECTIONS—(See Various Titles.)	
Ohio laws—	
Arrest, when electors privileged from	15
Ballot, all elections shall be by	15
Bonds for township and municipal purposes, submission of ques- tion as to issue of	31, 33
Congressional, time of	34
County, proclamation and time of	34
Expenses of, how defrayed; levy of tax, etc.	70, 78, 97, 114
Laws applicable to, collation, publication and distribution of....	70
Local option in municipalities	40-49
Local option, in townships	39
Municipal—	
First, in municipality	24, 26
Officers, of, generally	26, 27
Proclamation of mayor as to sale of liquor	28
Registration	75-101
Surrender of corporate rights, to determine question of.....	25
Places of holding, who to determine; notice in certain case..	27, 64, 77
Presidential—(See Presidential Elections)	35-38
Primary	147-150
Public, how held and conducted	108
Public officers, conduct of elections of	108
Registration laws—(See Registration)	75-101
School—(See School Elections)	50-61
State, proclamation and time of	34
Supervisory laws	66-74
Township—	
Annual; constable to post notice of, etc.	18, 19
Civil, in; conduct of, etc.	18-22
Held, when and how; returns of	18, 20, 73
Officers of; terms, etc.	18-20
Original surveyed, in; conduct, notice of, etc.	16-18
Place of holding, township trustees to fix	18
Public library, for	21
Returns of	20, 73
Turnpikes, on question of general tax for	62
Voting machines, purchase and use of, in	151-155
Who may vote at	15
United States laws—	
Bringing armed troops to places of	12
Interference with, by army or naval officers	4, 12, 13
Race, color or previous condition not to affect the right to vote....	4
ELECTIVE FRANCHISE—(See Right of Suffrage.)	
Forfeiture of, for receiving bribe	132
Impeding or preventing free exercise of; penalty	131
Competent witness in prosecutions for	132
Ohio constitutional provisions as to	15
United States laws relating to	4, 10-13
Women, rights of	50
ELECTOR—(See Crimes and Offenses.)	
Ohio laws—	
Application by electors for organization of original surveyed town- ship	16

ELECTOR—(See Crimes and Offenses.)—Concluded**Ohio laws—Concluded.**

PAGE.

Arrest, when privileged from	15
Ballot—(See Ballot.)	
Preparation and casting of	122-125
Assistance in marking	125, 129
Offenses pertaining to; penalty	128, 129
Bribery of; penalty	130, 132, 142
Competent witness in prosecutions for	132
Challenges—(See Challenge)	84, 86, 91, 92, 105-107, 121, 149
Convict incompetent to be; penalty	141, 144
Eligibility for voting or holding office, power of general assembly as to	15
Idiot or insane person not entitled to privileges of	15
Intimidating, or impeding or preventing free exercise of elective franchise; penalty; competent witness in prosecutions for	131, 132
Local option election in township, who permitted to vote at	39
Misleading, or disclosing how he voted; penalty	129
Municipality, who is elector of	27
Persons not considered residents of Ohio	15
Presidential—(See Presidential Elections)	35-38
Primary election, attempting to intimidate elector at; penalty....	142
Qualifications of persons to vote at	147, 150
Qualifications of, under Ohio constitution	15
Questions submitted to, vote necessary for adoption of, etc.	138
Registration—(See Registration)	75-101
Residence—(See Residence)	103-105
Screening and convenience, provisions for	121
Substitution when no nomination made or name of nominee omitted; marking of ballot in such case	124
United States laws—	
Crimes against elective franchise	4, 10-13
Officer of army or navy interfering with, etc.	4, 12, 13
Race, color or previous condition not to affect right to vote....	4

ELIGIBILITY—

Convict, of, to vote or hold office; penalty	141, 144
Electors of president and vice-president, of	36
General assembly's power as to eligibilty for voting or holding office..	15

EMPLOYMENT—

Person may absent himself from, to vote	131, 132
---	----------

EXECUTIVE COMMITTEE OF POLITICAL PARTY—

Ballot, submission of proof of	114
Canvass of returns of primary elections	148
County, designation of inspectors of count by	125
Deputy state supervisor of elections, recommendation of	66, 67
Witnesses and challengers in cities, designation of	91

EXPATRIATION—

Rights of, declared	4
---------------------------	---

EXPENSES—

Defrayed, how	70, 78, 97, 114
---------------------	-----------------

FEES—**Clerks of election—**

Compensation of	71, 97, 116
Cities having registration; how paid	78, 97
Primary elections	148
Commission, fee for	39
Deputy state supervisors of elections, compensation of	70, 96
Abstract of votes for county officers or members of the general assembly, fee for making	35
Clerk, salary of	68, 70, 77, 96

Judges of election—

Compensation of	71, 97, 116
Cities having registration; how paid	78, 97
Primary elections	148
Presidential elector, fees and mileage of	38
Registrars, compensation of; how paid	78, 96, 97

FELONY—(See crimes and Offenses.)	
FINE—(See Penalty.)	
FOREIGN COUNTRIES—	PAGE.
Protection of naturalized citizens while in	4
FORFEITURE—	
Citizenship of	3, 4, 15
Exemption from forfeiture	3
Office of, for giving bribe	132
FRANCHISE—(See Elective Franchise.)	
FRAUDULENT BALLOT—(See Ballot.)	
FUSION—	
Printing of name of candidate on ballot in case of	109
GENERAL ASSEMBLY—	
Certificate of election of member; abstract of votes	35
Elective franchise, power as to forfeiture of	15
Member to deliver copy of abstract to president of the senate	134
President of the senate, copies of abstracts to be forwarded to	134
Tie votes for members to be determined by lot	35
Vacancy in office of member of	35
GENERAL ELECTION—	
How expenses of, defrayed	114
GOVERNOR—	
Certificate to presidential elector of all electors elected	38
Commissions of officers; fees	39
Contest of presidential elector's election, as to	37
Presidential electors, certificates and notice of election of	36, 38
Tie vote for presidential elector	38
Vacancy in office of representative in congress or member of general assembly, writ of election in case of	35
GUARD-RAILS—(See Booths and Guard-Rails.)	
HAMLET—(See Municipal Corporations.)	
HEARSE—	
Question of purchase in townships to be submitted to vote	22
HIGH SCHOOL—	
Special district for	61
IDIOT—	
Elector, not entitled to privileges of	15
ILLEGAL VOTE—(See Crimes and Offenses.)	
INCORPORATION—	
Of territory surrounding summer resort, etc., submission of question to vote	24
Original surveyed township	16-18
INDICTMENT—	
How election averred in; what counts may be enjoined in	141
INFIRMARY—	
Legal residence of inmates	114
INSANE—	
Elector not entitled to privileges of	15
INSPECTOR—	
Partv. appointment and privileges of	91, 125
INSTRUCTION—(See Cards of Instruction.)	
INTERFERENCE—	
Elector, with, in casting his ballot	102
Officers of United States army or navy, by	4, 13
INTIMIDATION—	
Attempting to intimidate elector or judge at primary election, penalty ..	142
Voter, of; competent witness in prosecutions for	131
Voters, of, by bribery or threats (U. S. law)	4
INTOXICATING LIQUORS—	
Local option in townships	39
Local option in municipalities	40-49
Proclamation of mayor as to sale of	28
Selling or giving away, or keeping place where sold open on election day; penalty	142
JUDGES OF ELECTION—	
Appointment; term; apportionment politically; vacancy; presiding judge; compensation; removals	70, 78

JUDGES OF ELECTION—Continued.

	PAGE.
Ballot—(See Ballot.)	
Assistance of elector in marking.....	125
Canvassing, entering and enumerating, manner of	93, 126
Custody or delivery of, offenses pertaining to; penalty	128
Delivery of	115
Deposited and counted, permitted to be	125
Destruction of counted and excess	93, 126
Dispersing of persons interfering with casting of	102
Disputed, duty as to	127
Extra and unofficial	117
Lost or destroyed, replacing of	116
Misleading voter or disclosing how he voted; penalty.....	129
Preparation and casting of	122-125
Result, announcement and certified copies of	127
Unvoted, destruction of	93, 126
Vacancy, after printing of, pasters in case of.....	113
Ballot-box, inspection of, before opening of polls	91, 102
Removing; penalty	144
Return of, to proper officers	75, 95
Booths, guard-rails, etc., duty as to	121
Candidates ineligible to serve.....	108
Cards of instruction, where to be placed.....	117
Challenge—(See Challenge)	105-107
May	121
Party challengers, oath and privileges of.....	91, 121
Primary elections	148
Compensation—(See Fees)	71, 97, 116
Duties; penalties to which subject.....	72, 120, 121
Fraudulent votes, knowingly counting; penalty.....	145
Loitering near polls, powers and duties as to.....	102
Misconduct of; penalty	145
Oath	72
Period during which shall not separate nor leave polling place under penalty	127
Polls, when to be opened and closed	91, 101
Polling place, who admitted to.....	91, 125
Postponing counting, adjourning or removing ballot-box; penalty.....	144
Presiding judge—	
Ballots, etc., duty as to delivery of	115
Designation of	70
Oath, who may administer to; power to administer.....	70
Returns of elections	95, 127
Primary, election, selection, duties and compensation at	147, 148
Attempting to intimidate judge at; penalty.....	142
Omission of duty at; penalty	143
Question, as to submission of	118
Registration, judges in cities having—	
Appointment; term; qualifications; oath	78-80
November and other elections, as to.....	97-99
Ballots, destruction of excess.....	93, 95
Certificate of appointment	80
Certificate of board of deputy supervisors entitles elector to vote in case of involuntary mistake in registering.....	94
Certificate of result for board of deputy supervisors and witness; announcement from police, telegraph or telephone station.....	94
Chairman calling for ballots, compensation of.....	116
Challenges—(See Challenge)	84, 86, 91, 92
Clerk, removal of; substituted clerk; notice.....	79
Compensation; how paid	78, 96, 97, 144
Completion of work without adjournment	95
Count of votes by	93
Election day, duties on	91, 92
Examination, appearance for; penalty for failure to appear, or refusal or neglect to qualify	78

JUDGES OF ELECTIONS—Concluded.

	PAGE.
Registration, judges in cities having—Concluded.	
Exemption from jury and military duty.....	80
Expulsion of, by other three.....	92
Meeting on evening prior to election.....	90
Organization; duties	90
Poll-book, certificate to	93
Disposition of	95
Polls, opening and close of	91
Powers and duties as peace officers	80
Proceedings upon close of polls	93, 95
Proclamation of total vote cast	94
Removal of	79
Result, abstract of	94
Return of registers, ballot-box, etc.	95
Substituted, on election day; notice	79
Vacancy	79
Witnesses and challengers, duties as to	91
Residence—(See Residence)	103-105
Return of vote for township and municipal officers, members of boards of education and justices of the peace	73, 127
Returns, tally-sheets and poll-books, making, transmission, and preser- vation of	127
Special election, returns of certain officers voted for at	133
Supplies for conducting election, delivery of	115
Custody or delivery of, offenses pertaining to; penalty	128
Lost or destroyed, replacing of	116
Opening of packages	117
Term	70, 78
Township officers, conduct and returns of election of	20, 73
Turnpikes, conduct and returns of election on question of general tax for; fees	62
Vacancy in office, how filled	71
Vacancy after printing of ballots, pasters in case of	113
Votes cast, certificate and proclamation of	127

JUSTICE OF THE PEACE—

Certificate of election and commission; fee	39
Commission, record of date of	21
Election and term, etc.	18, 20, 21
New township, number and election of, in	20
Notice of election of	21
Return and canvass of vote for	73
Vacancy in office of, how filled	21

LAWS—

Election, collation, publication and distribution of	70
--	----

LEGAL HOLIDAY—

Election day on, certain hours are	132
--	-----

LEGAL RESIDENCE—(See Residence.)

LIBRARY—(See Public Library.)

LIQUOR—(See Intoxicating Liquor.)

LOCAL OPTION—

Municipal	40-49
Township	39

LOITERING—

Within seventy-five feet of polls	102
Within one hundred feet of polls	80

LOT—(See Tie Vote.)

MACHINE—(See Voting Machine.)

MARRIED WOMAN—

Citizen, is deemed, when	3
--------------------------------	---

MARSHAL—

Process, refusing to receive or execute	11
---	----

MAYOR—(See Municipal Officers.)

Elections, proclamation as to	27
Intoxicating liquors, proclamation as to sale of	28

MEMBER OF CONGRESS—(See Congress.)

MEMBER OF GENERAL ASSEMBLY—(See General Assembly.)

Ohio constitution—

Persons not considered residents of the state.....	15
--	----

MEMBER OF GENERAL ASSEMBLY—(See General Assembly.)—Concluded.	
United States laws—	PAGE.
Deserters, forfeiture of citizenship by	3, 4
Exemption from forfeiture	3
Draft, avoiding, forfeiture of citizenship for	4
MILITARY SERVICE—	
Officer bringing armed troops to places of election	12
Officer interfering with voter, etc.	4, 13
MUNICIPAL CORPORATIONS—	
Bonds, purposes for which may be issued; tax for redemption; sub- mission of question to voters	28-34
Electors, who are	27
Infirmity, legal residence of inmates of	104
Local option, submission of question of	40-49
Loitering near polls prohibited	80, 102, 150
Mayor—(See Mayor.)	
Officers, annual election of, etc.	26, 27
First election	24
Return and canvass of votes for	73
Primary elections	147-150
Question, submission of, to voters	138
Registration—(See Registration.)	75-101
Surrender of corporate powers	25
Village and hamlet, incorporation of, etc.	22-24
MUNICIPAL ELECTIONS—(See November and Special Elections.)	
Board of deputy state supervisors, duties and powers of, as to conduct of	75-101
MUNICIPAL OFFICERS—	
Annal election of, etc.	26, 27
Return and canvass of votes for	73
MUNICIPAL PRECINCTS—(See Precincts.)	
NATIONAL MILITARY HOME—	
Lawful residence of inmates	104
NATURALIZATION—(See Citizenship.)	
United States laws relating to	4-10
NAVAL SERVICE—	
Deserters, forfeiture of citizenship by	3, 4
Exemption from forfeiture	3
Draft, forfeiture of citizenship for avoiding	4
Officer bringing armed troops to places of election	12
Officer interfering with voter, etc.	4, 13
Persons not considered residents of the state	15
NAVY—(See Naval Service.)	
NOMINATION—(See Candidate.)	
Bribery of delegate; penalty	142
Candidate, of—	
Certificates and papers—	
Contents of	108-113
Defect in, manner of correcting	112
Device to designate party candidates	113
District or circuit, in, decisions of questions as to	111
Filing of	72, 110, 111
Printing of name of candidate on ballot when two or more certificates for same office filed	109
Forms for	108
Objection to validity	111
Offenses pertaining to; penalty	128
Preservation and inspection	111
Transmission of certified copies	72, 113
Convention, caucus, primary election, committee, etc., by	108
Letter of withdrawal, offenses pertaining to; penalty	128
Made, how	108-113
Petition, by	109, 110
Substitution of candidate of other party or nominee by petition	109
Substitution of name and marking of ballot when no nomination made or name of nominee omitted	124
Vacancy, manner of filling	112
Failure of county convention to name committee for filling; county executive committee may act	113

NOTICE—	PAGE.
Board of education, of election of members of	50
Bonds for township and municipal purposes, of submission of question of issue of	31, 34
Constitutional amendment, publication and charges	140
Divided townships, of holding elections in	19
High school purposes, of election on proposition to unite for	61
Precinct, of proposed change in	64
Presidential election, of	35
Presidential electors' election, of.....	35
Primary elections, of	147
Printing, of letting of contracts for	73, 114
Question, of submission of	138
State and county elections, of	34
Township officers, of election of	18, 19, 21
Turnpikes, of submission of question of general tax for; of election of pike superintendent	62
Vacancy in office of representative in congress or member of the gen- eral assembly, of election to fill	35
NOVEMBER ELECTION—	
Expenses of, how defrayed	114
Returns of	73, 95, 127
OATH—	
Challenged person, of	86, 105, 106
Clerk of election, of	72
Deputy state supervisors of elections and clerks, of	71, 72
Power to administer	71
Judge of election, of	72
Party challenger, of	122
Person challenged at, of	149
Registration law, of person challenged under	86
OFFENSES—(See Crimes and Offenses.)	
OFFICE—	
Ohio laws—	
Convict incompetent to hold	141
Forfeiture of, for giving bribe	132
Power of general assembly as to eligibility for	15
United States laws—	
Deserters or persons avoiding draft incapable of holding.....	3, 4
United States, under, conspiracy to prevent accepting or holding	12
United States, under, disqualifications for holding	13
OFFICER—(See Military Service; Naval Service; Public Officer; Various Officers.)	
OREGON—	
Citizenship of persons born in	3
ORGANIZATION—(See Various Officers.)	
Original surveyed townships, of	16
ORIGINAL SURVEYED TOWNSHIP—	
Officers, election and term of, etc.	16, 17
Exception as to election of	108
Organization and incorporation of	16
PARDON—	
Convict, of, restores rights	141
PASTERS—	
Vacancy after printing of ballots, in case of	113
PENITENTIARY—	
Eligibility of person who has been imprisoned in	141
PERJURY—	
Forfeiture of elective franchise by reason of conviction of.....	15
POLICE—	
Assignment of, on election day	94
Duty in cities having registration	80
Loitering near polls, duty as to.....	102
Obey and aid judges of election, shall; penalty.....	80
POLL-BOOK—	
Address and delivery in	95, 98, 127
Board of education, separate, in election for members of.....	50
Certification of, in registration cities.....	93

POLL-BOOK—Concluded.

PAGE.

Custody or delivery of, offenses pertaining to; penalty.....	128
Delivery and preservation of.....	95, 98, 127
Delivery of, to election officers	115
Destroying; penalty	145
Disposition of, in cities	95, 98
Forged or altered, possession of, with fraudulent intent; penalty.....	146
Form for	108
Fraudulent writing on; penalty	146
Furnishing of	74
Lost or destroyed, replacing of	116
Paper to be received as	134
Primary election, of	148
"Sworn," when word to be entered on	107
Transmission and preservation	95, 98, 127

POLLS—

Ohio laws—

Ballot-boxes, inspection of, before opening of polls	74, 91
Interference with voters	102
Loitering near	80, 102
Opening and closing of	91, 101
Packages of supplies, breaking of seals of, etc., at opening of polls..	117
Primary elections, time for opening and closing in.....	147
Vacancy in office of judge or clerk at opening of.....	71, 79

United States laws—

Armed troops to keep peace at	12
-------------------------------------	----

PRECINCT COMMITTEEMEN—

Challengers, appointment of	91, 121
-----------------------------------	---------

PRECINCTS—

Composed, how; where elections to be held	64, 65
Division, rearrangement, combination, etc.....	64
Special election, duty of board of deputy state supervisors when ward or precinct changed before	97

PRESIDENT—(See Presidential Elections.)

PRESIDENTIAL ELECTIONS—

Canvass of returns by secretary of state	36
Certificates of election of electors	36, 38
Certificates of election of all electors elected	38
Contest of electors' election	36-38
Electors of president and vice-president to be elected; who eligible....	36
Fees and mileage of electors	38
Meeting of electors in Columbus.....	38
Notice of electors' election	35, 36
Notice to governor of his presence, each elector to give	38
Proclamation of	35
Registration, general, required at	84
Tie vote for electors	36, 38
Vacancy in office of elector.....	38

PRESIDENT OF THE SENATE—(See General Assembly.)

PREVIOUS CONDITION—

Not to affect right to vote	4
-----------------------------------	---

PRIMARY ELECTIONS—

Candidate or representative, presence of, during receipt and count of ballots	149
Canvass of result	148
Challenges	149
Judges and clerks	148
Loitering, soliciting, etc., within 100 feet of polls in municipality	150
Notice of	147
Offering bribes for voters at; penalty	142
Omission of duty and fraudulent voting; penalty	143
Penalties	148
Poll-books and tally-sheets	148
Polls, time for opening and closing	147
Proxy, misdemeanor for delegate to give	149
Qualifications to vote at	147, 149, 150
Supervisors of	147
Time, place, manner of holding, etc.	147

	PAGE.
PRINTING—(See Notice.)	
Ballot, of name of candidate on, when two or more certificates for same office filed	109
Ballot, of, offenses pertaining to; penalty	128
Bond of bidder for	115
Contracts for	114
Publication of notice of bids for; contracts, etc.	114
PROCLAMATION—	
Mayor, of, as to elections	27, 28
Presidential election, of	35
State and county elections, of	34
Vote cast in certain cities, of; result of count	93, 94
Vote cast, of	93, 94, 127
PROSECUTING ATTORNEY—	
Election laws, to prosecute for violations of	74, 130
PROSECUTION—(See Crimes and Offenses.)	
PROXY—	
Convention, unlawful in	149
PUBLICATION—(See Notice.)	
PUBLIC ELECTIONS—	
Held and conducted, how	66, 108
PUBLIC LIBRARY—	
Submission of question in townships	21
PUBLIC OFFICE—	
Nominations of candidates for	108
PUBLIC OFFICERS—	
Conduct of elections of	66, 108
Violation, neglect, or wrong performance of duty, or disobedience, by; penalty	130
QUALIFICATIONS—(See Various Officers.)	
Ohio laws—	
Challenges—(See Challenge)	84, 86, 91, 105-107, 121
Elector, of, under Ohio constitution	15
Primary elections, of voters at	147, 149, 150
Registration—(See Registration)	75
Residence—(See Residence)	103-105
United States laws—	
Officer of army or navy not to prescribe	4, 13
Race, color or previous condition not to affect right to vote....	4
QUESTION—	
Ballot, marking of	124
Number of votes necessary to authorize performance of act when statute providing for submission of, is silent; submission of, when special election not provided for	138
Separate ballot and ballot-box in case of submission of	118
RACE—	
Not to affect right to vote	4
REGISTRARS—(See Registration.)	
REGISTRATION—(See Deputy State Supervisors.)	
Absent, elector who will be, of	83
Absent, elector who is, of	83
Challenge of such elector	84
Applicable to what cities	75
Applicant for—	
Challenge, oath and examination in case of	86
Examination of	86
Oath of	86
Signature of; by mark	87
Who to be received as	86
Ballot-box, location of, on election day	92
Board of deputy state supervisors, by order of	90, 98
Certificates in case of involuntary mistake in registering	94
Certificates in case of removal or mistake	85, 88
Certificate of removal when question of issue of bonds submitted to voters	31, 34
“Challenged,” entry of, on register	86, 91

REGISTRATION—(See Deputy State Supervisors.)—Continued.

	PAGE.
Challengers, designation, rights and privileges	91
Cities to which provisions applicable	75
Close of day's, attestation	87
Close of, by clerk of board	84
Corrections	90
Crimes and offenses, and penalties therefor—	
Acting as officer of election without appointment, etc.	101
Ballots, distributing, or having in poll-room	100
Counterfeiting resignation certificates, statements, etc.	101
Destroying or concealing certificates or statements	101
Distributing or having ballots in poll-room	100
Judge permitting unlawful ballots in box	100
Neglect of duty by officers of election	101
Neglect to forward notice of substitute judge	101
Neglect to qualify, or serve as judge, clerk or registrar	79
Perjury before registration officer	100
Registration—	
Counterfeiting	101
Falsely registering	99
Inducing same	99
Hindering	100
Permitting or inducing false	99
Personating another	100
Procuring unlawful erasure	100
Refusing registration to person qualified	99
Wilfully refusing to perform certain duties	79
Days for	83, 98
Examination of applicant	86
Expenses of, how paid	78, 97
General, required every four years in certain cities	84
Hindering electors, soliciting votes, etc.	80
Hours for	85, 98
Involuntary mistake, certificate in case of	94
Lists, alphabetical	89
Bound volumes of, by board	89
Duplicates in books for use election day	89
Form; comparison of; certificate to; changes in.....	89, 90
Pamphlets containing	89
Posting of	89
Registrars to make and certify	89
Loitering within one hundred feet of polls prohibited	80
Manner of making; question to be answered	85
Meeting of registrars and judges on evening before election; duties....	90
Mistake in, how corrected	88
New elector, of, in certain cities	85
Oath of, applicant for	86
Places of	77
Polls, opening and close of	91
"Registers of Electors;" contents; form	81-83
Changes or additions in, for special election	97
Comparison and correction of duplicate	87
Corrections; noting of changes	88
Custody of, when not in use	89
Damage or destruction of; penalty	80
Entries in	86
Registrars—	
Absent elector, registration of	83
Applications for registration, canvass of precincts; report to board, etc.	85
Appointment; term; qualifications, oath	78-80
Certificate of appointment	80
Compensation, how paid	78, 96, 97
Duties, failure to perform; penalty	79
Duties, generally—(See Various Items under Registration) ..	85, 99-101
Election day, duties on	92

REGISTRATION—Concluded.

Registrars—Concluded.

PAGE.

Examination, appearance for; penalty for failure to appear, or refusal or neglect to qualify	78,	79
Exemption from jury and military duty		80
Powers and duties as peace officers.....		79
Registers, maps, instructions, etc., to apply for.....		83
Removal		79
Special elections, as to	97-99	
Vacancy		79
Removal certificate, application for; registrars' duties.....	85,	88
Clerk of board, by		83
Sick or physically disabled, of, by affidavit.....	87,	98
Special election, in.....		97
Changes or additions in registers		97
Days for		97
Hours for		98
New ward or precinct		98
Orders for, by board of deputy state supervisors of elections		98
Sick or disabled		98
Voters required to register in cities.....	75,	87
Who shall be registered		87
Witness, designation, rights and privileges.....		91
Women, registration of		50
REMOVAL—(See Various Officers.)		
Deputy state supervisors of elections, of		67
REPRESENTATIVE—(See Congress; General Assembly.)		
REPRESENTATIVE DISTRICT—(See District.)		
RESIDENCE—		
Head of family		103
Infirmaries inmates		104
Questions to be heard and determined by judges		104
Registration required in cities	75,	87
Residents of this state, persons not considered		15
Rules to govern judges in determining		103
Soldiers' home inmates		104
Time of, required		103
Voting, illegal; penalties	143,	144
Voting purposes, for	103-	105
RESIDENT—(See Residence.)		
RETURNS OF ELECTIONS—		
Adjustment of discrepancies		95
Board of education, return of vote for members of		50
Deputy state supervisors of elections, opening and canvass of, by	73,	133-137
Forged or altered poll-books or tally-sheets, possession of, with fraudulent intent; penalty		146
Fraudulent writing on; penalty.....		146
Justices of the peace		73
Making, transmission and preservation	98,	127
Municipal officers	27,	73, 98
November election	73,	98, 127
School land, on sale of		18
Special election, returns of certain officers voted for at		133
Township officers	20,	73
Turnpikes, on question of general tax for		62
Validity of, deputy state supervisors not to decide on.....		134
RIGHT OF SUFFRAGE—		
Ohio laws—		
Convict, as to rights and competency of; penalty.....	141,	144
Exclusion from, for receiving bribe		132
General assembly, power of, as to forfeiture of.....		15
Idiot or insane person, excluded from		15
Ohio constitution, under		15
Women, rights of		50

RIGHT OF SUFFRAGE—Concluded.

United States laws—

PAGE.

Crimes against elective franchise 10-13

Interference with, by army or naval officer 4, 13

Race, color, or previous condition not to affect 4

ROAD SUPERVISORS—

Election; qualifications, etc 20

Supervision of election, exception as to 66

SAILOR—(See Naval Service.)

SALARY—(See Fees.)

SCHOOL DIRECTORS—

Subdistricts, election in, etc 55

Supervision of election, exception as to 55, 66

Women, rights of 50

SCHOOL ELECTIONS—

Centralization, submission of question of 56

City districts 50-52

High school purposes, union of districts for 61

School directors, exception as to election of 55, 66

Schoolhouse, as to levy of tax and issue of bonds for 61

Schools, submission of question of additional levy for 60

Special districts 56-60

Township districts 54-56

Village districts 53

Women, rights of, in 50

SCHOOLHOUSE—

Submission of question of tax and bonds for 61

SCHOOL LANDS—

Vote on sale of; deposit of returns 17, 18

SECONDARY STUB—(See Ballot.)

SECRETARY OF STATE—

Abstracts in elections to fill vacancy in office of member of congress 136

Abstracts of election, copies of, to be forwarded to 134, 139

Ballot, form of 117-120

Canvass of returns for presidential electors 36

Certificates of election and commissions; fee 39

Certificates of nomination and nomination papers—

Defect in, manner of correcting 112

Filing of 72, 110

Printing of name of candidate on ballot when two or more certificates for same office filed 109

Objections to validity of 111

Transmission of certified copies 72, 113

Contest for presidential electors, election, as to 36

Deputy state supervisors of elections, appointment, qualification, terms and removal of 66-70

Duties, general 72, 66

Election laws, collation, publication and distribution of 70

Forms for guidance of deputy state supervisors of elections 108

Prosecution for violation of election laws 74, 130

Questions to be decided by 72, 111

State supervisor of elections, ex officio, is; duties 66

State supervisor and inspector of elections, ex officio is, duties 66

Tie vote for presidential electors 36

Vacancy on ticket, manner of filling 112

SECTION SIXTEEN—

Submission of question as to sale of; returns 17, 18

SENATE—(See General Assembly.)

SENATOR—(See General Assembly.)

SENATORIAL DISTRICT—(See District.)

SHERIFF—

Loitering near polls, duty as to 80, 102

Obey and aid judges of election, shall; penalty 81

Presidential election, proclamation of 35

State and county elections, proclamation of 34

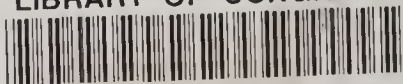
Vacancy in office of representatives in congress or member of general assembly, notice of special election to fill 35

SOLDIERS— (See Military Service.)	PAGE.
Inmates of soldiers' home, lawful residence of	104
SOLDIERS' HOME— (See National Military Home.)	
SPECIAL ELECTIONS—	
Expenses of, how defrayed	114
Local option, municipal; special election on question of	41-49
Local option, township, special election on question of	39
Notice for proposals for printing for	114
Question, submission of, when special election not provided for.....	138
Registration laws, provisions of, applicable to	97-99
Returns, abstracts and certificates of election of certain officers elected at	133
Vacancy in office of representative in congress or member of general assembly, to fill	35
STATE ELECTIONS—	
Proclamation and time of	34
STATE OFFICERS—	
Certificate of election and commission; fee	39
Election of, proclamation and time of	34
STATE SUPERVISOR OF ELECTIONS— (See Secretary of State.)	
Secretary of State, ex officio, is; duties	66
STATE SUPERVISOR AND INSPECTOR OF ELECTIONS— (See Secretary of State.)	
STUB— (See Ballot.)	
SUFFRAGE— (See Right of Suffrage.)	
SUPERVISOR OF ROADS— (See Road Supervisors.)	
SURRENDER OF CORPORATE POWERS—	
Municipal corporations, by; proceedings	25
TALLY-SHEET—	
Copies, making, transmission and preservation of	127
Delivery of, to election officers	115
Forged or altered, possession of, with fraudulent intent; penalty	146
Form for	108
Fraudulent writing on; penalty	146
Furnishing of	74
Lost or destroyed, replacing of	116
Primary elections, of	148
TAXATION—	
Bonds for township and municipal purposes, for redemption of, sub- mission of question to voters	31-34
Elections, levy for expenses of	70, 114
Schoolhouse, submission of question of levy of tax for	60
Turnpikes, submission of question of general tax for	62
TERM OF OFFICE— (See Various Officers.)	
THREATS—	
Intimidating voters by	10
TIE VOTE—	
County officers, for	35
General assembly, for members of	35
Municipal officers, for	28
Presidential electors, for	38
Township officers, for	19
TOWN HALL—	
Purchase, question of, to be submitted to vote; levy for.....	18
Township trustees may purchase site and erect	18
TOWNSHIP— (See Township Trustees.)	
Local option	39
Original surveyed—	
Officers, election and terms of	16, 17
Exceptions as to election of officers	108
Organized, when, may be	16
Question, submission of, to voters	138
TOWNSHIP CLERK— (See Township Officers.)	
Ballot-boxes, duty as to	74
Booths, guard-rails, etc., duty as to	121

TOWNSHIP CLERK—(See Township Officers.)—Concluded.	PAGE.
Canvass of vote for township officers	73
Election and term	19
Local option election, record of	40
TOWNSHIP ELECTIONS—	
Held, where and how; returns of	20, 73
TOWNSHIP OFFICERS—(See Township Clerk; Township Trustees.)	
Elections for, when and how held; returns of	18, 20, 73
Return and canvass of votes for	73
TOWNSHIP PRECINCT—(See Precincts.)	
TOWNSHIP TREASURER—(See Township Officers.)	
Election; term, etc.	19
TOWNSHIP TRUSTEES—(See Township Officers.)	
Bonds, purposes for which may issue; tax for redemption; submission of question to voters	31-34
Divided townships, notice of holding elections in	19
Elections, levy for expenses of	114
Election; term, etc.	19, 20
Hearse, to submit question of purchase of	22
Local option	39
Notice of annual election of	19
Order of elections, to preserve	19
Original surveyed township, first election in	16
Places of holding elections, to determine.....	18, 19
Public library, to submit question of	21
Section sixteen, duties as to sale of	17, 18
Town hall, may purchase or lease site and erect	18
TROOPS—	
Bringing armed, to places of election	12, 13
TRUSTEES—(See Township Trustees.)	
Hamlet, of—(See Municipal Corporations.)	
Bonds, purposes for which may issue; tax for redemption; submis- sion of question to voters	31-34
TURNPIKES—	
Questions of general tax for, to be submitted to electors.....	63
UNITED STATES—(See Citizenship.)	
UNITED STATES MARSHAL—(See Marshal.)	
VACANCY—(See Various Officers.)	
Ballot, after printing of, how filled	113
Board of education, in	60
Clerk of election, in office of	71
Congress, in office of representative in; how filled	35
Abstracts in such case	136
Deputy state supervisors of elections, in board of, how filled.....	66, 67
General assembly, in office of member of	35
Judge of election, in office of	71
Presidential elector, in office of	38
Ticket, on, when committee may fill	109, 112
Manner of filling	112
Substitution of candidate of other party, or nominee by petition....	109
Substitution of name and marking of ballot when no nomination is made or name of nominee omitted	124
VICE-PRESIDENT—(See Presidential Elections.)	
VILLAGE—(See Municipal Corporations.)	
VOTE—(See Ballot; Canvass; Challenge; Right of Suffrage; Tie Vote.)	
Number necessary to authorize performance of act when statute pro- viding for submission of question is silent	138
Person may absent himself from employment to.....	131
Who may	15
VOTER—(See Citizenship; Elector.)	
VOTING—(See Ballot; Crimes and Offenses.)	
VOTING MACHINES—	
Commission to examine	152
Purchase and use of, in elections	151-156

VOTING SHELVES—(See Booths and Guard Rails.)	
WARD PRECINCT—(See Precincts.)	PAGE.
Competent, in prosecutions for bribery, intimidation, or impeding or preventing free exercise of elective franchise	132
WITNESS—(See Inspector.)	
Registration, in cities having	91
WOMAN—(See Married Woman.)	
School elections, rights in	50

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